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LAW ENFORCEMENT STUDY

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FOR

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December 8, 1970

TO: Legislators, County, State and Federal Officials
FROM: Assemblyman Gene Chappie
SUBJECT: Law Enforcement on Public Lands

The use by increasing numbers of recreation-seeking persons of our public lands has created a serious law enforcement problem.

In October I held four hearings in my district to learn from rangers and supervisors of our public lands what the problems were, and what solutions might be.

The attached report summarizes testimony I heard at the hearings. I hope it will stimulate thought and action to begin solving the problems.

GC:LC:jc

PUBLIC LANDS & LAW ENFORCEMENT

In October I held four hearings in my Assembly District to learn more about law enforcement problems on state and federal public lands.

To these hearings I invited city and county law enforcement officials, and supervisors from state and national parks, national forests, and the Bureau of Land Management, to relate and discuss their problems. A few interested citizens also sat in.

About 30 persons attended each of the hearings in Sonora (October 21), Mammoth Lakes (October 23) and Auburn (October 28) and about 20 the meeting in South Lake Tahoe (October 30).

I was gratified that many who attended were "field level" supervisors who grapple with law enforcement problems personally and daily and thus know the problems intimately. Here's what they told me.

USE AND MISUSE OF PUBLIC LANDS SOARS

The recreational use and misuse of state and federal lands within the Sixth Assembly District (and most probably the state) is soaring. And, crime on public lands is rising alarmingly, too.

Within the 6th Assembly District lies all or part of five national forests, a national park, 13 state parks, and thousands of acres administered by the Bureau of Land Management. This great recreational area probably records 10 million visitor days a year.

In the last five years, for example, recreational use within the Tahoe National Forest has soared 210%. The masses that flock to Yosemite are legendary, and at Pinecrest near Sonora, in the Stanislaus National Forest, thousands pack its few square miles on weekends and holidays. If some of the visitors go to the mountains to escape urban congestion and crowds, they don't!

The impact of this recreating multitude on the public lands, their

staffs, their facilities, and local law enforcement agencies is immense.

This is Tahoe National Forest's view:

"A rising crime rate and an upward trend in confrontations (are) causing serious impacts on national forest administration."

A vast majority of its visitors, it says, are law abiding citizens. Law enforcement problems with this majority, it feels, can be solved with more orientation and education, and more courteous help and service.

"Our law enforcement policy is directed toward the minority of willful violators against whom timely and effective law enforcement action is needed.

Other agencies call this minority "irresponsible transients" who occupy unoccupied buildings, true hippie-types who are "not militant but just messy" and the true militant rebel who seeks out confrontation with public land and law enforcers at Yosemite and elsewhere.

A state park area supervisor at Lake Tahoe testifies:

"Enforcement problems...a few years ago consisted of (few) citations and some warnings for minor infractions of rules and regulations. A park campsite was considered a safe place to leave equipment (because) theft was rare. (But) this picture has changed.

"We no longer are dealing with an unthinking public. We are now dealing with crimes committed by criminals."

The Bureau of Land Management says:

"City people are visiting in ever increasing numbers the open public domain where there are less restrictions, little supervision and no effectual enforcement.

"The damage and destruction of resources and the incidence of crime...are high and on the increase."

In 1968 alone, on BLM desert areas in California, there were 490 major crimes, and 1,280 lesser offenses within 5 million visitor days. These masses overuse some public lands and resources, says the BLM. "There's a growing public disregard for posted rules."

At aforementioned Pinecrest, incidents doubled in 1969, and 97% were caused by out of county visitors.

In the Eldorado National Forest at Lake Tahoe, as elsewhere, there is greatly increased littering, damage to and destruction of manmade improvements and natural resources, and thievery. Moreover, the park visitor, says one state park supervisor there, "has no guarantee any longer he'll be protected."

In one state park alone, Tahoe's D.L. Bliss, thieves stole \$7,312.50 worth of property in 1970, almost triple the \$2,563.50 worth taken in 1969.

Arrests and other illegal acts there, at Folsom State Park, and nearly everywhere, have increased greatly.

It may be no great revelation that use of public lands and crime upon them are soaring. But it might be news that most of the affected agencies, because of policy, lack of authority, or lack of money (and thus manpower), can't do much to combat the burgeoning crime rate.

WHAT PUBLIC LAND AGENCIES CAN OR CAN'T DO ABOUT RISING CRIME

The national forests' confronted by rising crime, face a "crisis of policy". They are perceptibly being pulled into the law enforcement vacuum building up within their areas, against their administrative policies and individual desires.

"We are not a police force; our interests are proprietary only. We will enforce our own rules and regulations but will rely on civil authority (police, sheriff, highway patrol, etc.) to enforce state law." That is the essence of the USFS's philosophy and policy. Apparently, it's on safe legal ground, too. The USFS can't enforce state law, anyway.

The USFS policy says its prime concern is safety of public and employees. In a showdown, then, safety and not law enforcement will be served, unless local law enforcers are contacted are available and arrive on time. Without additional men, local law enforcers will not come to the USFS's aid as often as public land use and crime rates grow.

The USFS policy also states only properly trained employees will be used for law enforcement, and they will not without authorization be armed. Since the USFS has few if any employees sufficiently trained in law enforcement, the major responsibility in the future, as now, will be with others within USFS lands.

The USFS can and does try to minimize its law enforcement problem by crime prevention. Men patrol, observe, and thus prevent some crime and confrontation. However, these patrols are usually the USFS's seasonal personnel, with the least experience and training.

"We feel guilty sending them into some of the unpredictable situations", one USFS supervisor said.

These "visible" crime prevention patrols help minimize one problem, but they compound others by taking limited staff away from operation and maintenance duties.

The patrols or local law enforcers seldom can travel to more remote USFS and BLM areas like trailheads, where those heading into the back country park their cars. They return to find their cars broken into and personal property stolen. There aren't enough men or patrols to prevent these crimes. And local law enforcers can do little about it when informed long after the fact.

Even less able to handle its law enforcement problems is another federal agency, the Bureau of Land Management. Other than the power to collect camp use fees, the BLM has no authority whatsoever to enforce its own rules and regulations, let alone state laws or county ordinances.

There are federal criminal statutes relating to theft or damage of BLM property, and to assault on BLM personnel, but no law covering a myriad of other crimes, misdemeanor, and felony. State law applies to BLM land, however and state peace officers can enforce it there. Sheriffs can also deputize BLM employees to enforce state law and county ordinances.

"The deterioration of the BLM's ability in California to control people on its administered lands and to prevent irreparable damage to its resources

(has) resulted in the forming in June (1970) of a study team to analyze BLM enforcement problems", the BLM reports. The study team has not reported.

While it waits for this report, the BLM and the USFS await congressional action on bills submitted in 1970 affecting their law enforcement capabilities.

The BLM, which isn't now and apparently doesn't want to be involved in law enforcement, nonetheless hopes Congress passes Senator Jackson's bill which would empower it to enforce its own rules and make arrests pursuant to them.

Meanwhile, the USFS, which prefers leaving law enforcement to others, hopes Rep. Sisk's bill passes which would authorize the forest service to contract with local government for law enforcement service, and presumably, appropriate the money.

Why Sisk's bill does not authorize the BLM, and park service to also similarly contract for such service is unknown.

Nonetheless, it seems both the USFS and BLM wish to let local government be responsible for law enforcement, and thus join it in supporting federal grants or subsidy.

While these two federal agencies back away from law enforcement responsibilities, a state public land agency, the Department of Parks and Recreation, has sought and been granted by law nearly full peace officer powers within state parks.

If subsidy by the state for law enforcement was sought by recreationally impacted counties, the DPR might be opposed. Such a subsidy could shunt its own drive for more funds to train and equip more peace officer-rangers.

Within the DPR many of its rangers readily accept the dual peace officer ranger role. And the department is striving, within a limited budget, to train each ranger designated for law enforcement, a minimum of 200 hours.

At the field level especailly, DPR feels the need for more experienced peace officer-rangers, more equipment (radios, vehicles, defensive weapons)

A more outspoken "Young Turk" element, in fact, with duty in high risk areas of increasing violent crime and drug abuse, want the right-by-department policy or statute, or both--to carry weapons to defend themselves.

"I want protection", says one state park ranger..."I'll get it one way or another." Whether authorized or not, growing numbers of rangers are surreptitiously arming themselves in their own defense.

That leaves local government, caught between the anvil of growing crime on state and federal lands and the rock of county supervisors and taxpayers. Local government and taxpayers will provide and pay for their own law enforcement needs; but they don't want to pay the law enforcement and related costs caused by non-county recreationists and tourists.

If the federal government can subsidize local schools, "impacted" by its bases and installations, why can't it do the same with county and city government, "impacted" by masses recreating on federal forests, parks and lands within or adjacent to them?

To a lesser degree, local government feels the same argument would apply to the state whose larger parks certainly "impact" counties and adjacent cities.

Perhaps one district attorney spoke for local law enforcement best when he suggested we need no more laws, but more money (and thus manpower) from non-local sources.

He also hoped all agencies would leave the basic law enforcement responsibility to local government, and not create their own separate police forces.

As it is, sheriffs' budgets in these counties impacted by recreation seem disproportionately higher than the resident population and crime rate would warrant.

Most everyone agrees. Local government should have law enforcement jurisdiction on all state and federal lands. To meet the responsibility and growing demand, it needs state and federal subsidy.

HOW TO FUND AUGMENTED LOCAL LAW ENFORCEMENT

Where will the money come from to augment local law enforcement in these recreationally impacted counties and cities?

The federal agencies mentioned, not wishing to become law enforcement agencies, too, would support such bills as Rep. Sisk's to allow them to contract with local government.

Presumably, for their grants, however, they would want full-time, resident deputies to prevent crime as well as enforce law. But such resident would greatly relieve the sheriff's department.

If this approach fails, the forest service and local government could try to amend present federal law which returns 25% of forest receipts to the counties for roads and schools. Increase the percentage returned, or persuade congress law enforcement should have equal priority with the other services.

Congress could also charge more to use its recreational facilities and divert the extra funds to law enforcement.

State parks could do likewise. Or, seek legislation which would impose a 5% "impact" fee on admissions with the proceeds going to local government.

The legislature could register or license off-road vehicles as it has snowmobiles to raise funds to develop use areas, and police them.

MORE LOCAL PEACE OFFICERS ISN'T TOTAL ANSWER

Providing grants or use taxes to fund more local law enforcement won't solve the public lands manpower problem completely: state and federal public lands supervisors need more men themselves.

These agencies operate with what they feel are minimum full-time staffs, supplemented in peak use periods with part-time help. The part-time men are hired to help operate and maintain the recreational area, serve the public and provide for its safety and protection.

Increasingly in practice, however, these full or part-time men are being diverted to crime prevention patrolling, law enforcement training (in state parks), and repair or replacement of vandalized improvements. Operation and maintenance of the resource suffers proportionately, and the public is short-changed.

Sometimes, the public is deprived completely of an experience, say in a remote or undeveloped area, closed by lack of manpower.

As one solution, a summer employment for conservation oriented college students might be established within some parks, national forests, and remote or wilderness areas. For relatively low cost, in peak use periods, the visible law enforcement presence would be obtained.

Supervisors of state parks, or high use federal recreational spas might consider mounted patrols, using at first volunteer horsemen or sheriffs' posses.

COMMUNICATION AND EDUCATION

Most public land supervisors believe the critical period is now, and better communication and education are long range and partial solutions to some of their problems.

Still, for the law-abiding majority improvements in these areas are essential.

With emphasis on conservation, environment, ecology, today, orientation courses in public land use might be required for young and old before admission.

Beyond that grade and high school curriculum might include a unit in the same subject.

Yosemite Park rangers have even tried a little educational rapping with the more militant user of public lands to put across the purpose and proper use of their park. They did not succeed.

Communication media and roadside signs can be utilized better to inform

the public before they leave for or arrive at a recreational area, that it's full.

OVERLAPPING, COMPETING JURISDICTIONS

Law enforcement and judicial jurisdictions seem to be a maze of overlapping, conflicting or competing powers.

Expert legal counsel believes such jurisdiction can be simplified and improved.

Presently, national parks are federal enclaves within the state, with their own law enforcement, commissioner, and courts. In a crunch, of course, they can call on local law enforcement and use local courts.

The BLM, as we've seen, has no law enforcement jurisdiction, but certain crimes on its land could involve the FBI as well as the sheriff's office. A welter of conflicting county ordinances surround BLM lands.

Within forest lands, rangers enforce rules and regulations, can refer certain violators to the U. S. Commissioner but generally leave arrests for criminal violators to local law enforcement and courts.

Within state parks, peace-officer rangers can do the investigation, arrest and transfer of suspects, or call in local peace officers to do it.

And, what about the new Kirkwood Ski Area to open in 1972-73. It lies in three counties! Which county, sheriff and which court will have jurisdiction there?

LEGISLATION

1. Resolutions memorializing Congress to authorize grants (by all federal public land agencies) to local law enforcement.

2. Same to Congress to increase forest receipts reimbursement to counties for law enforcement.

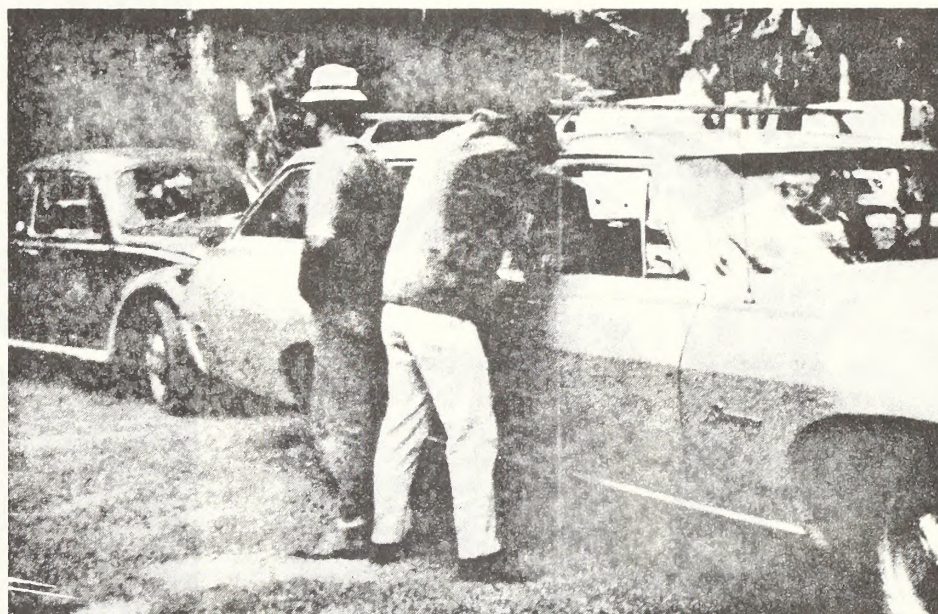
3. A state park "impact" tax subvention to local government.

4. Authorize park-peace officers to carry weapons.

5. Register off-road vehicles.

6. To clarify jurisdiction.
7. To require recreational land use certificates and courses.
8. Establishment of a summer public land youth corps.

Law and Order in Public Parks



by FREDERICK L. CAMPBELL, JOHN C. HENDEE AND
ROGER CLARK

CAMPING AND PICNICKING in public campgrounds are important leisure time activities for millions of Americans, and their popularity is increasing. Each weekend, campgrounds are transformed into migrant communities ranging in size from a few families to several thousand people. These communities, like others, have problems of law and order. Theft, vandalism, and rule violation are common in most parks. A surprising range of major crimes are found in some of the larger campgrounds. These activities depreciate the recreation experience and often violate the rights of

recreationists. Maintaining law and order in public parks is a serious problem in recreation management.

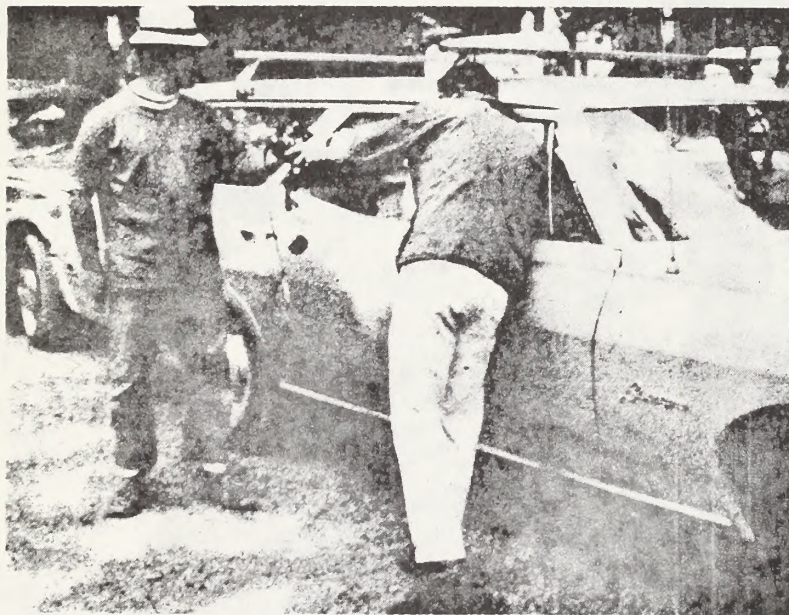
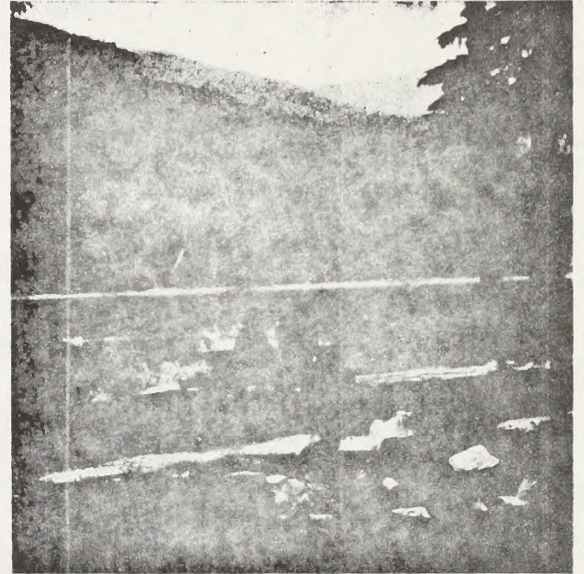
Studying Behavior Problems

Last summer, we studied behavior problems in public recreation areas in the State of Washington.¹ Three intensively developed campgrounds were studied—one each in a national forest, national park, and state park. The campgrounds were all large, water oriented, well developed, and frequently drew overflow crowds.

Camping in each campground, our team of observers deliberately looked for depreciative or deviant behavior. Our activities included informal talks with users, daily inspection tours for new damage, periodic

Dr. Campbell is assistant professor of sociology, University of Washington; Dr. Hendee is recreation research project leader, Forest Service, Pacific Northwest Forest & Range Experiment Station; Mr. Clark is research assistant, forestry, University of Washington.

¹The research was sponsored by the Pacific Northwest Forest & Range Experiment Station, Forest Service, U. S. Department of Agriculture.

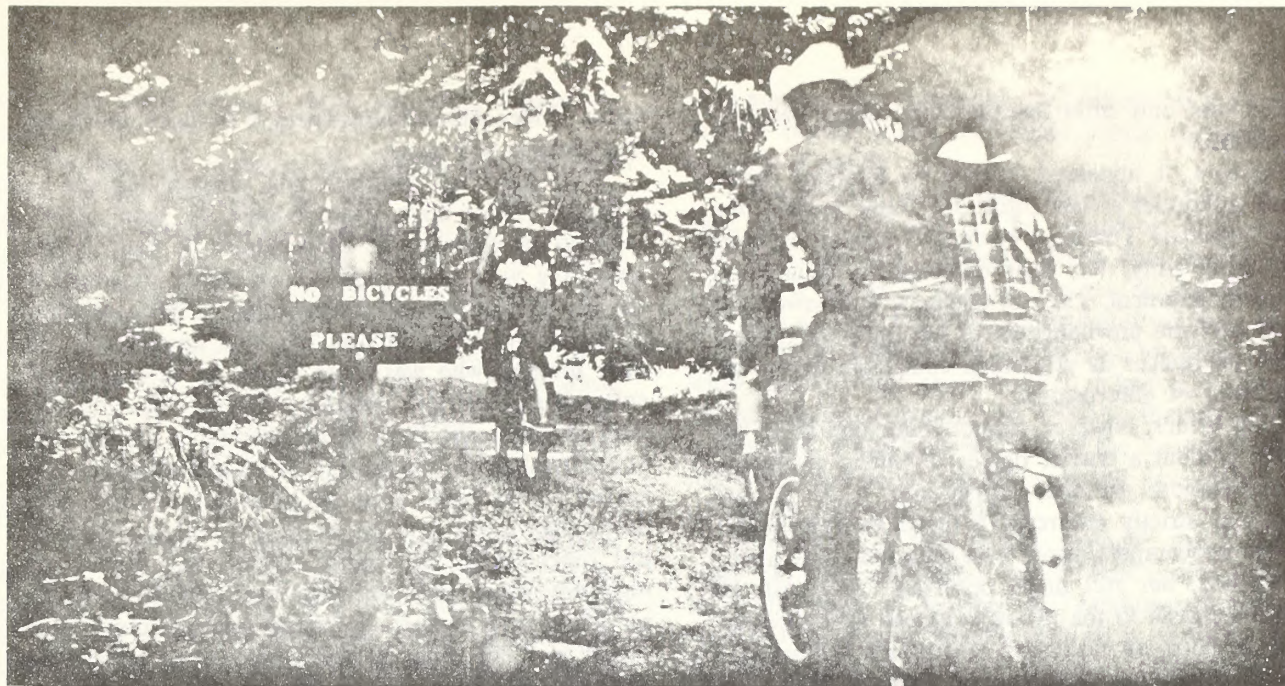


Photos by Authors

observation of congested locations, and briefing sessions with campground personnel. We recorded every deviant act observed or reported to us and, when possible, informally interviewed the parties involved. Although the study will continue for two more years and our data is necessarily incomplete, our preliminary findings are significant.

Surprisingly, depreciative behavior in public parks is much more extensive than we were led to expect from interviews with recreation managers and camp-

Center photos — Theft from locked cars can be minimized if security measures receive more public recognition. Upper left and lower right — Complete disregard for regulations is evident in these campers' activities. Upper right — An expensive problem in the public parks today is littering.



Campground rules are often violated by adults when these rules stand between them and a desired activity.

ers. Because we looked harder and more systematically, we saw more problem behavior than the average camper. Although we observed many depreciative acts, our attention was drawn to a continual series of major and minor violations carried out by people who were either unthinking or considered themselves above a particular rule. Such incidents included theft, damage, and violations of campground rules. In the following discussion, we illustrate these behavioral problems as they appeared in our study and suggest some underlying causes and possible approaches to solution.

Theft

Theft in particular seemed much more prevalent than is generally supposed. Most recreationists and managers seem to feel that the fellowship of campers holds no thieves. Consequently, trailers are not locked, and expensive equipment is left unguarded — or even out in the open. Under these conditions, the rate of theft is remarkably low. Yet, theft does occur, and we found that much of it goes unreported for one reason or another.

Most thefts fit one of two patterns. The first, stealing of camping equipment and food, occurred most frequently during periods of heavy use. The culprits were often teenage males who had come to the campground only for the day or weekend. Usually ill-equipped, they made up for their shortages by stealing. Ice chests filled with beer and pop were especially favored targets, particularly in beach-area campsites. Most victims did not bother to report their losses to the authorities and thereby complicated law enforcement. Greater care on the part of recreationists and increased visibility of campground rangers seems necessary to reduce the rate of such incidences.

The second type of theft was more serious and involved systematic stealing of valuables such as cameras,

binoculars, watches, radios, and purses from locked automobiles. These robberies were usually performed by noncampers who came to the park for that express purpose. Once this summer, we woke to find that our locked auto had been broken into, and a tape recorder containing much of our information *on theft* had been stolen! But we were not the only victims. Eleven others had also been robbed that night. The thieves made off with more than \$1,000 worth of property. In most cases, the locked autos had been parked no more than a few feet from the sleeping owner and, after being burglarized, were relocked by the thieves. We have no idea how many other autos were broken into that same night because many campers did not immediately notice their loss and others simply did not bother to notify the authorities. The pattern of this crime was typical of several other incidents we encountered within this and other campgrounds. Unfortunately, the loss of our tape recorder was only a foretaste of things to come — we were robbed three more times during the summer.

Recognize the Problem

Interviews with the victims of theft proved interesting. All had previous camping experience but had never been robbed before. None were really angry about their loss but philosophized that it could happen to anyone and regarded it as merely a lesson in tighter security. They continued to view the campground as a relatively crime-free community and were not at all willing to redefine it. In no case did they blame the campground authorities for their loss, nor did they feel that anything could be done to retrieve their property. Many who did notify authorities were interested only in legitimizing their insurance claims. Others mentioned their loss only in a casual manner while conversing with authorities for some other purpose. Some report-

ed their loss only after learning that others had also been robbed.

Campers, it appeared, tended to discount campground authorities as law enforcers. Their attitude was largely justified. The legal powers of varying agencies differ significantly, but their enforcement capabilities are equally impotent. Lack of adequate manpower and training and the unwillingness of campground rangers to view themselves as policemen contribute to the ineffectiveness of enforcement.

Police tactics, however, cannot completely solve the problem without a greater degree of public awareness and cooperation. In one campground, a 10 o'clock curfew was strictly enforced, a thorough search was made for noncampers, gates were guarded, and patrols were walked, but still thefts occurred. The costs in personal freedom to the average camper would be too high if we took all necessary measures to completely eliminate theft. But theft can be reduced if security measures are backed by public recognition of the problem and individual willingness to exercise some degree of care, caution, and involvement.

Vandalism

Vandalism is a concern for all agencies maintaining public campgrounds. Wherever we went, we were given detailed accounts of the latest damage done in the particular park. Sinks pulled off walls, mirrors smashed, signs torn down, picnic tables burned, and fireplaces destroyed were all reported as seasonal occurrences. The blame for such activity was often fixed upon noncampers who came into the park for the specific purpose of creating trouble. More stringent law enforcement and patrols directed at the offending groups are often regarded as the best way of controlling vandalism, and we would agree. But these measures would not completely solve the problem, for we found that actually a broad segment of the camping public shares the responsibility for needless damage.

Destructive Play

A great amount of damage is carried out by pre-teenage children as a part of their play activities. Many parents regard the campground as a place where children can play in a healthy environment. The dangers of the city are left behind; nothing can hurt the children, and there is nothing the children can hurt in return. The burdens of parental supervision can be traded for quiet hours of privacy as children run off to play by themselves. And the children are alone, much more so than in their own neighborhoods. The open street is replaced by screening woods. Watchful neighbors are exchanged for indifferent strangers dutifully following the rule of noninvolvement that prevails in public places. Pre-adolescent children probably feel no sense of responsibility toward park facilities, and their predominantly urban upbringing provides few lessons in behavior appropriate to the natural environ-

ment. Under these circumstances, it is almost inevitable that damage will occur.

Two boys we observed this summer provide an example. These boys, approximately 12 years of age, came to the campground accompanied by their mother and three younger siblings. Their father remained in the city and visited only on weekends, a fairly common arrangement. Upon arrival, the boys immediately left their mother, who was quite happy to be relieved of entertaining her two children. During the first two days in camp, the boys wrote obscenities on the wall of one washroom, plugged the toilets in a second, broke bottles in the beach area, chopped down a tree, tore down eight metal signs on the nature trail, and became lost overnight in the woods. Other than their overnight adventure, their activities went completely unobserved by other campers or campground personnel. One should not conclude, however, that these boys were naturally malicious. When one of the park rangers suggested they use part of their free time picking up trash and litter, they plunged into the activity with equal enthusiasm.

For destructive play, the old adage, "blame the parent, not the child," has more than a grain of truth. Considerable money could be saved each year if parents assumed greater responsibility for the activities of their children while in public parks.

Unthinking Adults

Adults often exhibit irresponsible behavior. Much damage can be attributed to unthinking but well-intentioned recreationists. For example, the persistent scarcity of firewood was sometimes solved by theft from other campers or by cutting down a nearby tree with no thought to the conservation implications of the act. Nails were hammered into trees to store camping equipment off the ground; cars and trailers were driven off parking pads and into vegetated areas for the sake of convenience; fires were built outside fireplaces by persons unaware of danger to timber-dry woods; trailer sanitary tanks were emptied in dumping stations clearly marked "closed" or "full" as people sought short-run solutions to their immediate problems. The point is that basically responsible but ill-informed and temporarily inconsiderate people create many problems in public parks.

Rule Violations

In every campground, we found a posted list of rules designed to bring order to the community of recreationists. And in every campground violations of these rules persisted. The most noticeable violators with little regard for rules and the rights of others were usually teenagers, as we previously discussed. We found, however, that the great majority of violators were adults whose depreciative behavior stemmed from ignorance of the rules, a lack of understanding, or more commonly, a willingness to selectively disregard

rules that stood between them and some desired activity.

Consider, for example, the camper who has been visiting a particular area for many years. Back in the days when camping was more of a dirty, strenuous, uncomfortable, and challenging activity, he was likely to be one of only a few using a particular park. The small number of visitors made the enforcement of rules relatively unnecessary. He could camp almost where he pleased, cut down his own firewood, drain waste water onto the ground, permit the dog to run loose, and in general, conduct himself largely as he pleased. Today, however, the same camper has much more company.

Activities that the environment once tolerated from a few now create serious impacts as more and more campers swarm over the area. Old rules are now enforced, and new rules have been added. The camper finds that what he has been doing with impunity for years now may bring a stern warning from the ranger or even a court summons. Many campers view this as unjust and, as a result, feel few pangs of conscience when breaking campground rules.

Illegal Camping

The violation that best exemplifies violations by basically well-intentioned campers is illegal camping. As campgrounds fill and competition for space increases, people move into areas which for some reason unknown to them are declared off limits by campground officials. In one campground, a large and very popular area was closed to camping because of overuse and erosion. Throughout the summer, the people who had previously camped in this area, or who had arrived late and found no vacancy, would nod at the no-camping sign and begin to set up camp. The morning would bring argument, temper, and eviction. Interviews with the offenders seldom disclosed an appreciation or understanding of the violated rule. Campers failed to comprehend the ecological reasons for closing the area but attributed more Machiavellian motives to park authorities: closure was a means of driving out tenters in favor of trailer people, said the tenters; it was a means of driving out the trailer people in favor of the tenters, said the trailer campers; it was foolishness by the park authorities, agreed all; and letters of complaint were written and stern lectures given to hapless seasonal attendants. These campers were, of course, well-intentioned people; but each such violation complicates the growing problem of regulation.

Rangers Versus Users

Violations also occur when park rules interfere with what recreationists regard as their constitutional right to have an enjoyable time. To some extent, the conflict points to an inherent difference in the goals of park administrators and users. Campground administrators are oriented largely towards preserving and interpreting the natural environment. A common atti-

tude among them is that the park represents a place of natural beauty where the public comes to enjoy the benefits of nature.

Unfortunately, many users apparently come with a very different orientation. In examining daily activities, we found that, although people were seeking and enjoying a change in scenery, they had little direct contact with and showed little appreciation for the natural environment. Most people stayed close to camp, visited with friends, took short walks, prepared meals, or played organized games. As a result, the self-guiding nature trail in one park was one of the least-used facilities, and even many regular users had never taken the trouble to enjoy its beauty.

In contrast to that of the manager, the focus of most campers was social rather than environmental. Rules intended to regulate the relationship between man and the natural environment often interfered with the more social aspects of camping. Such situations set the stage for violations. For example, two or more parties often crowded into one campsite; family gatherings would result in illegal parking; late night gatherings violated quiet hours and often led to altercations between campers.

Littering

No account of violations would be complete without some discussion of littering, an expensive problem in public parks. All segments of the camping public share the blame for littering. Children learn to throw candy wrappers and pop bottles onto the beach as they watch their parents deposit beer cans and newspapers. Full garbage cans are an excuse to throw trash into the woods, and no excuse at all seems necessary to throw cigarettes, orange peelings, or bottle caps onto the ground. However, we did find some patterns in littering behavior. For example, many people on arriving would make an effort to clean their campsites and would conscientiously deposit their trash in cans during most of their stay. On the last day, however, their concern would wane, and papers and cans would begin to litter their campsite. They often left a fireplace full of unburned garbage as a final gift to the new occupant. Clearly, as these recreationists' involvement with an area decreased, during the latter stages of use, their propensity to litter increased.

Underlying Causes

We feel that many of the problems discussed are related to some broad changes that are occurring in the American society. First, the population has been growing at a rapid rate for several years. The combination of more people with more leisure time, greater prosperity, and improved equipment has resulted in an unprecedented number of campers. By sheer increase in the number of campers, many small annoyances have grown into major problems.

Second, not only is our population growing, it is also becoming more urban. Today, nearly 80 percent of all Americans live in urban areas. Although the urban shift may not have reduced our society's basic

appreciation of nature, it has reduced opportunities to learn behavior appropriate to natural areas.

A third factor may be called the "norm of non-involvement." In urban environments, where strangers are continuously thrown together in public places, privacy is often created by a studious disregard for other people. While creating privacy through anonymity, it also frees the individual from responsibility for the plight of others or their behavior. The "norm of non-involvement" is very much in evidence in the public campground. We frequently saw campers passively stand by as their neighbor or their neighbor's child violated campground law, damaged park facilities, or created a public nuisance.

It is impractical and impossible for authorities to monitor a camper's every move. Some means of increasing the sensitivity of recreationists to the propriety of other campers' behavior is crucial to long-range solutions. We intend to explore such a possibility in later stages of our study.

In addition, consider a popular topic today, general disrespect for the law. We did observe many deliberate violations. Some people flaunted rules and regulations purely for entertainment. But many other deliberate violations could be attributed to what some call the "illusion of central position." Translated, this is "belief that rules are developed to control others, but nothing should stand between me and my immediate goal." Such an attitude was typical of many adults, but in balance, naked disregard for law and order represented only a small amount of the depreciative behavior we encountered.

Solving the Problem

It is one thing to point to problems and quite another to provide workable solutions. We do not know, at this point, how to solve all of the problems we observed. However, certain broad guidelines may be useful in some situations.

To begin, administrators must recognize that managing the people who use public parks is a challenge of the first magnitude. Camping has become a social experience; we must begin basing policies, rules, and the training of rangers on this fact as much as we currently do on the necessity for preserving the environment.

In addition, the trend in many parks is to reduce the amount of contact between campground rangers and the public. This trend should be reversed and the visibility and availability of uniformed personnel increased. Adoption of common campground rules and standards of enforcement across agencies would help to remove some of the confusion that exists regarding appropriate behavior. Campground design should strive to recognize the social aspects of camping. More group areas, open spaces for organized games, and separate areas for users with different recreational goals are needed.

Our urban population needs more education in the care and use of the natural environment. Are we con-

cerned enough to spend the money for appropriate courses in school curricula? This is the long-run solution, but more information and interpretive programs in the public parks may help in the immediate future. Perhaps most important, the opportunity to educate uninformed but well-meaning campers during personal contacts should be exploited by park rangers in a pleasing but systematic fashion — a job they should be intensively trained to perform.

We should recognize that the campground community, like all communities, contains a broad range of deviant behavior. Problems arising from these behaviors will increase and become more complicated as the number of campers increases. Old standards, rules, management policies, and approaches will become obsolete and outgrown. Recognition of the problems and new efforts to cope with them are imperative.

Ranger Power

If strengthening the police powers of park authorities is not the complete solution, it is certainly an important ingredient. Most campground rangers seem to resist the role of policeman and find it difficult to confront the public in an authoritarian manner. Yet the enforcement aspect of their job will become increasingly important. Future recruitment and training should recognize this fact.

In addition, the legal authority of personnel in most agencies is extremely limited, and unfortunately this weakness is recognized by the worst offenders. Co-operating law enforcement agencies, such as the sheriffs, are often overworked and unavailable — particularly during periods of peak use. Legal changes whereby campground rangers could be made more effective should be explored.

Personal Responsibility — The Key

Above all, the individual camper must himself shoulder much of the burden. The norm of non-involvement can no longer be tolerated. We must begin treating deviance in parks as we would treat it in our own front yards. We must take on the burden of direct intervention by vocally stating our disapproval of wrongdoings and, if necessary, summon campground personnel. No amount of police tactics can prevent the type of depreciative behavior we have been discussing without individuals taking some personal initiative.

Even if we do all of these things that are needed, some depreciative behavior will still occur in public campgrounds. The campground is a type of community, and deviance exists to some degree in all communities of men. This we must recognize. Camping in intensively developed recreation areas is not an escape from the fetters of civilization. Rather, it is a social experience shared by many people interacting in a limited area. If deviance is to be kept at a low and tolerable level, we must recognize the need for laws and actively work towards their support. Only in this way can the values of the outdoor recreation experience continue to be realized. ■

NATIONAL RECREATION AND PARK ASSOCIATION

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Return to _____

June 7, 1971

To: N.R.P.A. Forum Delegates

From: Charles J. Reitz, Assistant Director of Field Service,
National Recreation and Park Association,
404 Del Webb Center, Fresno, California 93721

Re: National Forum: "Changing Concepts in Citizen
Safety in Parks and Recreation".

It is with pleasure that I enclose a Summary Report of the three National Forums held on the subject of "Changing Concepts in Citizen Safety in Parks and Recreation". The complete report is on file in the Pacific Regional Service Center and in the Washington, D. C. office of the National Recreation and Park Association; however, its size precluded our distributing it to all participants.

Your continued interest in this subject is appreciated. Many innovative ideas, programs, and new directions have taken place as a result of the Forums. The future looks bright for continued projects in areas such as training institutes, "packaged programs", and a high level National Congress.

If you have additional comments and suggestions please do not hesitate to contact me.

I will advise you of any new developments.

CJR:sh

NATIONAL FORUM

SUMMARY STATEMENTS, RECOMMENDATIONS, PROPOSALS,
AND SUGGESTIONS OF FORUM TASK FORCES

Changing Concepts in Citizen Safety in Parks and Recreation

Eastern Region - Washington, D. C., May 25-26, 1970

Midwest Region - Chicago, Illinois, August 10-11, 1970

Western Region - San Francisco, California, October 22-23, 1970

Convened by the
National Recreation and Park Association
Washington, D. C.

Through a Contract with
U. S. Department of Housing and Urban Development

April, 1971

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Charles J. Reitz

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NRPA National Forum
CHANGING CONCEPTS IN CITIZEN SAFETY IN PARKS AND RECREATION

Eastern Region - Washington, D. C., May 25-26, 1970
Midwest Region - Chicago, Illinois, August 10-11, 1970
Western Region - San Francisco, California, October 22-23, 1970

INTRODUCTION

The justifiable national concern for the fact that opportunities for the citizen to enjoy park and recreation facilities in safety and comfort are decreasing has added critical dimensions of complexity to the task of the specialist in the fields of parks/recreation as well as law enforcement to effectively serve the public.

Increasing the fiscal and administrative strain on the available resources of park/recreation and enforcement agencies to respond effectively are the following facts: (1) increased citizen demands for more parks and other open space for traditional services; (2) expansion in the inventory of activities available that require open space, such as snowmobiling, mini-bikes, motor-cycles; and (3) the ideal quality of the park and related open space for social and political activity, such as sit-ins, marches, rock concerts, and festivals.

It is in response to this threat to the welfare of the citizen and the challenge this situation posed to both the park/recreation and enforcement fields that this national forum - "Changing Concepts in Citizen Safety in Parks and Recreation" - was convened.

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Through a contract with the U. S. Department of Housing and Urban Development, the National Recreation and Park Association held this forum in three segments, in Washington, Chicago, and San Francisco.

The overall purpose of the forum was to explore ways and means of increasing the combined capabilities of park, recreation, and law enforcement agencies to provide responsive public services in relation to citizen use of park and recreation facilities. Forum participants included citizen and professional representatives of youth and adult organizations; law enforcement agencies, state, county, and city park and recreation departments; private recreation agencies, federal and state agencies, and social service agencies. They set out to accomplish the following objectives:

1. identify factors that precipitate disruptive behavior;
2. determine the impact of such phenomena on the delivery of park/recreation services and the maintenance of order and safety;
3. identify areas of liability and responsibility of park and recreation and law enforcement authorities and explore ways and means for developing united action programs to improve and expand related services;
4. explore existing relationships between park, recreation, and law enforcement agencies and develop guidelines for future cooperative action;
5. develop input for more detailed study and exploration at follow-up state, regional, and other national conferences; and
6. stimulate research and evaluation of all aspects of public safety in the parks.

At each forum, the following tasks were given prime attention and consideration:

- to develop an inventory of the problems encountered by park, recreation, and law enforcement specialists and the assignment of some priority in terms of seeking solutions;
- to prescribe specific courses of action to alleviate the difficulties as identified by the forum participants;
- to recommend innovative, effective programs that will further protect the patrons of park and recreation facilities;
- to determine the changes and modifications needed in planning techniques and leadership.

to develop an inventory of the problems encountered by man, the animal, and the environment specialist and the assignment of man, animal, and environment specialist to the solution of the problem.

to identify specific courses of action to solve the problem, as identified by the above participants.

to recognize the value of the various programs that will further progress the solution of the problem.

the factors of man and environment (habitat).

to recognize the changes and modifications needed in planning resources and facilities.

SUMMARY STATEMENTS, RECOMMENDATIONS, PROPOSALS, AND SUGGESTIONS OF FORUM TASK FORCES

Task forces were organized to develop specific recommendations and proposals for the consideration of the delegate body. Parks and recreation administration; citizen involvement; law enforcement responsibilities; establishment and enforcement of rules and legislation; crisis operations and programs; design and planning of parks; public attitudes and information; park and recreation staff responsibilities; treatment of minority groups; youth involvement; training and education of personnel; and drug use and its control were the primary areas of consideration and exploration.

Parks & Recreation Administration

There is a direct relationship of population density to crime and to the deterioration of park and recreation resources. Unless population growth rate is stabilized in balance with resources and environment, quality recreational experiences become increasingly difficult to provide.

Specific Recommendations

1. The NRPA office in Washington should initiate a program, joining with industry, to develop and sponsor a national public relations effort (with the cooperation of the Advertising Council), using all media, but especially network television, to dramatize and sell and campaign for citizen safety and satisfying use of parks, and for consideration for the rights of others in the use of parks.
2. NRPA is encouraged to reiterate strongly its enthusiastic support for the establishment of a Federal Cabinet-level Department concerned solely with leisure services, culture, and environmental affairs.

3. In cooperation with the International Association of Chiefs of Police, NRPA should seek means of providing a nation-wide service incorporated of states, cities, and schools for the following: regional planning services, guidance on education and training, technical information, public information, standards and guidelines, consultation, meetings and conferences, citizen action, and community involvement.
- ✓ 4. The Federal and State governments should fund research into the nature, cause, and prevention of antisocial behavior in parks and recreation facilities, areas, and programs, into the ameliorative effect of therapeutic recreation services on all types of deviant and antisocial behaviors related to citizen safety in parks and recreation programs; and fact-finding and data-collecting related to citizen safety in parks and recreation. NRPA should encourage, support, and help secure this research funding.
5. The problem of increased revenue needed to provide services and meet growing demands should be studied. Some specific areas to be reviewed are the consideration of fees, levies, and special assessments in relationship to federal grants.

Citizen Involvement in Both Planning and Enforcement an Imperative

There is an overriding concern to involve all the neighborhood to a greater extent in planning facilities, programs, and to some degree with the decision-making functions of the agency. This may require a change in philosophy and role for some whereby parental (authoritative) attitudes are exchanged for partnership ones. In essence, we must become more enabling leaders, able to reach positive objectives by allowing people to do their own thing.

To best reach this goal, park and recreation agencies should effectuate a decentralized approach where the citizens of the neighborhood, working with

the local leadership, collectively have responsibilities and authority within the total operation of the program.

Specific Recommendations

1. NRPA should solicit and publish more articles on positive outcomes of decentralized programs.
2. NRPA should develop and widely disseminate a compendium of case studies on successful programs involving a decentralized method of control and responsibilities.
3. College and university field work experiences should place as much value and emphasis on student involvements with external neighborhood citizens as with internal administrative personnel.
4. A possible solution is to give operating responsibility of parks and facilities to the communities which they service so as to more fully serve the community's needs. Self-policing is the ultimate goal.
5. There should be public forums with the community for a review of all proposals of actual area or facility design plans. From the inception the community should be involved in the planning approach.
6. Community participation is a vital element in communication. It is necessary in the identification of needs and priorities and in location, design, development, programming, and in fact, in relation to the entire operation of activities. This participation should include representatives of all the various groups and at all levels.
7. There is a need to integrate social action agencies and people. The community should make an effort to identify community leaders to work on a volunteer basis on the problems.
8. The recreation department should utilize roving leaders to work on a neighborhood basis to further communication with the community.

9. With the device of contract payroll, neighborhood people with special talents could, without the long and sometimes tedious task of going through civil service, be hired for specific jobs and for specific periods.
10. Park and recreation departments of city governments should establish advisory committees composed of a cross-section of two representatives from each civic and service organization, including hard-core groups and youth. Policy making park and recreation boards must communicate with such committees. The committees should appoint a task force to establish recommended guidelines; sub-committees should meet with the masses to obtain the public's views on programs and projects. Park and recreation agencies should make a point of encouraging staff to serve on civic committees so that they share a common effort and understanding. It was recognized that in many cases such councils or committees are ineffective and operate with a degree of frustration, mainly due to poor organization and support on the part of the local government agency.

Law Enforcement Responsibilities

The major role and function of a park and recreation agency lies in the provision of adequate leisure services to all of the citizenry. Parks and recreation is not and should not be in the business of law enforcement, in the strictest sense of the word. It should, instead, concentrate on interpreting to the public the realistic reasons for adhering to the rules and regulations which govern its jurisdiction and lend assurance that compliance with these rules and regulations is for the ultimate safety and comfort of all park users.

It is recognized that problems of anti-social behavior and sheer neglect of the law will occur at recreation functions and in park facilities and will

necessitate enforcement of the established ordinances. It should, however, be the function of a police department or similar law enforcement agency to apprehend and prosecute such violators.

Whether or not a recreation and park jurisdiction has a separate law enforcement unit (park rangers, safety patrol, etc.) or relies on this service being provided by an outside police agency, is dependent on the financial status of that agency. Regardless, however, under whose jurisdiction this function lies, there must be a greater understanding on the part of the law enforcement unit of the goals, philosophies, objectives, and functions of the recreation and park program.

An alternative and more effective means of enforcing the laws as they affect a recreation and park agency should be explored and experimented with.

Specific Recommendations

1. More open and formal communication between staff (at all levels) of recreation agencies and staff of police or similar law enforcement agencies is needed. Open dialogue should abound and include a sharing of the basic philosophies and objectives of each group so both parties become more cognizant of the other's function and role. City police, state patrol officers, and other local and state enforcement agency personnel and staffs of recreation and park agencies should meet together and jointly work out an equitable solution to the enforcement of ordinances. Uppermost in both parties' minds should be a sensitivity to the clientele of the park and recreation area or program as a person. In effect, more emphasis should be placed on rehumanizing the law enforcement function.
2. Such groups as the International Association of Chiefs of Police and other national law enforcement agencies and the NRPA should open up a

better and continuous dialogue and provide opportunities for integrating the personnel of each agency at district and national conferences of these groups. They should publish a management aid which will set forth guidelines for local enforcement and recreation personnel on their respective roles, and means of effecting cooperation and mutual assistance.

3. NRPA should cooperate with these agencies and college and university Departments of Corrections and Police Institutes in convening specialized area institutes and workshops on areas such as park safety, public contact and relations. These should be similar to present efforts such as Executive Development Institutes, Revenue Sources Management School, and Federal Assistance Institutes.
4. All specialized forums hereafter conducted by NRPA should strive to involve a heterogeneous cross-fertilization of related disciplines.
5. More programs should experiment with decreasing the number of law enforcement personnel directly involved in the recreation and park function and in their stead replace them with an equal number of new personnel imbued with creative programming ideas.
6. NRPA should seek out potential grant monies through the Safe Streets Act or other programs of the Law Enforcement Assistance Administration and sub-contract with local and county park and recreation agencies in testing the hypothesis that fewer officers and more creative programming will drastically curb delinquent acts and crimes and also reduce the rate of recidivism among previous law offenders.
7. Local and county recreation and park jurisdictions are also urged to pursue on a local or state level similar funding possibilities from agencies such as state departments of crime prevention and juvenile delinquency.

8. More effective methods of law enforcement and prevention of anti-social behavior should be explored between recreation and park agencies and the citizenry within their jurisdiction.
9. More thought should be given to having citizens' groups set up for the purpose of interpreting the ordinances affecting recreation and park operations to ensure that they are comprised of "indigenous leaders." This would include persons cognizant of the problems and pressures of the law, who have an understanding of and sensitivity to the basic underlying social, psychological, and economic reasons which underlie anti-social and criminal behavior.
- ✓ 10. Law enforcement agencies (park and recreation or otherwise) are encouraged to seek out recruits whose background experiences and education are more social service oriented (people-minded people) and less authoritative in their involvement and enforcement of law and ordinances.
- ✓ 11. Much greater attention, at all levels of law enforcement training, should be given to sensitivity training, group dynamics, interpersonal relationships, leadership skills, and orientation to the socio-economic make-up of the clientele served.
- ✓ 12. All enforcement officers involved with recreation and park agencies should be required to have a summer internship where they function as a recreation staff member at a playground, center, etc.
13. More and wider publicity of programs such as those of the National Training lab should be made available to park and recreation law enforcement personnel.
14. A select few colleges and universities should add to their curricula specialized operations on the role of recreation in corrections and other law enforcement programs.

15. There should be guidelines for trained law enforcement personnel to follow.
16. Law enforcement agencies must distinguish priorities on a day-to-day basis, but that there still must be impartial enforcement of rules.
17. The basic guideline in selective enforcement is to determine factors which relate to the common good of all the public. It was asserted that often agencies and staff have not performed properly where confrontation has developed and that the principles of group dynamics and sensitivity were undoubtedly ignored. If park and recreation or law enforcement staff react in such a way as to precipitate a riot, the enforcement of law does little good; the possibility of a disruptive force will diminish greatly if staff is aware of all the factors that could contribute to such problems.
18. Decentralization of police would help establish good community relationships.
19. The security force or police, whether a part of recreation or not, should be especially trained in park and recreation roles and committed to serving park users first and enforcement second.
20. The Park Police should be utilized and trained in the concept of park usage and park interpretation as well as law enforcement. (It should be noted that some delegates at this group session did not concur with this proposal due to the need for flexibility in assignment of personnel according to need or changing conditions, as well as on the grounds that a Park Police force is often supplemented by seasonal, untrained personnel.)
- ✓ 21. NRPA and local government agencies should seek Federal legislation and funding which would give Federal jurisdictions legal authority to contract for state, county, and city law enforcement services.

22. Crisis situations of citizen safety in parks require both crash and long-range programs. Legislative bodies at all levels of government must recognize the level of seriousness and be prepared to provide necessary appropriations and other support in order to make parks safe and secure.
23. Potential problems should be anticipated and possible reactionary techniques developed; pertinent information should be gathered promptly, prior to an event which may develop into a confrontation.
24. Liaison positions should be created in the park and recreation department and in the enforcement office to improve the communication and cooperation between them.
25. Municipal and county laws and park regulations should be consistent.
26. Park and recreation staff have a responsibility to report serious misconduct to the police.
27. The intelligence that is gathered should be disseminated to the proper agencies and persons.
28. The use of emergency squads (such as that used in the Golden Gate Park) in developing security should be explored.
29. NRPA should collect, synthesize, and publish patrol surveillance techniques as a management aid.
30. Recreation and park personnel should understand the effect of information needed to assist the police when called. They should assist the police in prosecution, be willing to sign a complaint, and follow through.
31. The court system requires revision in relationship to all the different types of cases involving park law enforcement.

32. In the area of crowd control, pre-planning is essential, along with establishment of procedures to insure that direct communication between park and recreation and law enforcement agencies is available at all times. It was felt that large groups should not be permitted to congregate if local authorities do not have immediate means of handling the situation.
33. The following guidelines for providing maximum protection should be established:
 - A. Park police should be uniformed, well-equipped, and trained; adequate budget support should be provided to insure an adequate patrol.
 - B. Park police should have radio hook-up with local law enforcement agencies.
 - C. Park police should have police powers extending beyond park boundaries.
 - D. Park police should establish rapport with community residents and park users.
 - E. Law enforcement should use all available means to protect parks, including police radios, noise detection systems, telephone-intercom systems, and closed circuit TV systems.

Establishment and Enforcement of Rules and Issuance of Permits

Outdated rules and regulations contribute to anti-social behavior. Therefore, if there are now rules and ordinances on the books which are not being enforced, they should be repealed. A minimum of rules and a maximum use of positive discretion in dealing with people is the best enforcement policy to follow. This attitude should be mirrored in the training personnel receive.

Before permission is granted for use of area and facilities, park and recreation agencies must consider the health and welfare of patrons and the community.

Specific Recommendations

1. Local guidelines for park use and enforcement should be consistent with Federal guidelines to aid federally funded programs.
2. The agency should have a written policy concerning permits and a fair and equal administration of this policy.
3. There is a need for local governments to review and update current park and recreation facility use regulations; park and recreation agencies should consult with local law enforcement officials in this respect. It was also proposed that agencies continue to log and report suggestions relating to rules and regulations made by the public through their exposure and working relationship with local residents.
4. Special rules and regulations should be published through appropriate brochures and they should be carefully interpreted to patrons using the facilities.

Design and Planning of Facilities

One of the major causes of today's problems of safety in the parks lies in the facts that parks were originally designed and developed "as monuments to be visited but not actively used," that today's parks are expected to help correct many of the community's and nation's social ills, and that park administrators have been slow to change attitudes toward this new concept.

Park and recreation facilities should be designed with people's uses first in mind. This includes having some functional approach to design which takes into account the safety in maximum participation. Problems of crowd control,

police surveillance, and other related law enforcement design protections are important, but should not override the objective of functionality.

Fear of possible liability situations should not deter challenging and imaginative designs.

Three principals -- park, recreation, and law enforcement officials; architects; and community representatives -- should jointly and at all stages plan new facilities.

Specific Recommendations

1. National law enforcement agencies, representatives of ASLA, and park and recreation agencies should open up more communication and involvement in conferences and institutes on designing of parks.
2. Existing publications on design, when revised, and new ones when written should devote considerable attention to functionality as well as the realistic concerns of law enforcement personnel.
3. Design of parks should be planned to meet the special needs of each age group.
4. Guidelines in planning future park and recreation facilities should include the recognition of new activities, innovative approaches, and challenging concepts where activities may be effectively conducted and supervised and where the greatest safety precautions can be maintained.
5. Design should be functional so as to foster safety and resource protection, thus creating a low tension atmosphere.
6. Restroom facilities should be designed so that they are in the open.
7. Signs should be consolidated so the entire park is not filled with signs.
8. The number of entrances to a park should be minimized.

9. In the design of parks, allowance should be made for fences, barrier islands, or plant growth to facilitate separation of activities.
10. Priority should be given to lighting in and about the parks and the park buildings, for the increased safety of the public, for greater utilization of the facilities, and for the use of the parks without fear.
11. NRPA should conduct research on the space and controls needed in parks for the use of motorized vehicles that are not legal on the streets.

Public Attitude and Information

Park and recreation officers must work closely with the press to help them. Through them, the public will better understand the problems facing law enforcement agencies and park management. There needs to be a better understanding of the rules and regulations concerning the use of park and recreational facilities and an appreciation by the press and public of the problems facing these park and recreation officials.

Specific Recommendations

1. There should be more recreational professionals, and more sensitized educators to relate more realistically to recreational goals, and, in turn, to prepare us to better understand what recreation is and also how it relates to different cultures.
2. The public must be informed about park rules. Brochures and other communications media should clearly state all major requirements for the use of the facilities. Personal contact is the best means of communication and interpretation of park policies, but visual informational materials extend this contact. Frequent evaluation of rules is essential to retain public acceptance.

3. Various national agencies must make the people conscious as to what is found in the parks, or if a locality has a program, not only make the people familiar with it, but, in turn have them come in to discuss it.
4. Park and recreation authorities should provide for scheduled public hearings to encourage residents to bring their concerns, complaints, ideas, and desires to the attention of citizen boards.
5. The roving leader concept is an excellent approach to bridging the gap between police, park and recreation personnel, and citizens.
6. Inquiries and complaints should be given personal follow-up.
7. Attitude, interest, and opinion surveys should be conducted on a random, proportional stratified sample, where the results involve the image of the population in a neighborhood or in a community of neighborhoods.
8. Public suggestions should be in written form; also, suggestion boxes should be encouraged.
9. In working with the news media, agencies should designate a single person to make contact with the media and explain all sides of the problems facing the authority rather than leave to chance the impressions and interpretation of events. The media look for the spectacular. Park and recreation agencies should make a determined effort to build a bridge of communication with the news media and to consider enlisting their help to co-sponsor with the departments at least one major special event annually.
10. The professional park and recreation staff should be encouraged to submit articles to the news media.

11. Periodic orientation tours for reporters should be held and full coverage encouraged. At all times, the staff should deal honestly with reports, and the same should be expected of the news media.
12. Reports concerning juvenile problems should be handled by the police department, not the recreation department.

Park and Recreation Staff Responsibilities

Poor planning, the failure to anticipate problems, and the failure to work out solutions before problems develop have been other causes of the anti-social behavior problems in parks and at recreation facilities. Many demands for cultural and recreation activities are emerging today that are perhaps not classic or traditional; the planning of recreation activities must make a place for all of these, if at all physically possible. Park and recreation officials must develop insights related to the services they perform and related to new areas of need, to contemporary issues such as authority challenges, socio-economic goals, age gap, and the communication breakdown.

There must be a recognition that only with unified agency cooperation and response to the community, can the neighborhood and community needs be met.

Specific Recommendations

1. Coordination and communication should be established on a regular basis between recreation and park agencies, law enforcement agencies, and other agencies with overlapping responsibilities, with a clear delineation of duties, functions, and accountability, to provide a more effective service system to parks and recreation areas.
2. Park and recreation leadership has a responsibility to inform and influence decision makers, from citizens to the highest levels of policy-makers, of the importance of parks and recreation and how they can motivate people to positive kinds of behavior.

3. Ways of evaluating program success must be formulated.
4. Property damage should be repaired immediately. Park and recreation agencies should use facility vandalism as an evaluation tool to re-evaluate the program so as to offer more positive approaches to assist and meet the needs of those causing the destruction.
5. Park and recreation officials should encourage the governments of the various states or even the local agencies involved to consider giving sufficient funds so that an adequate program can be run.
6. NRPA should support park and recreation administrators with written policy to help justify the need for imaginative innovations often frowned on by top city officials who follow the approach of establishing early curfews and closing parks at early hours.
7. Park and recreation authorities must allocate their resources to keep facilities open when the public wishes to use them.
8. NRPA should disseminate suitable guidelines to recreation agencies for service to the handicapped.
9. The development of more family activities is encouraged.
10. Potentially explosive group functions should be permitted and accommodated with control through understanding and with encouragement of peer responsibility. Many of these functions can be largely self-policed.
11. There should be flexibility in handling problems.
12. There should be regulations pertaining to the preservation of natural resources.
13. A prestigious representative of the park system should be involved in the political power structure. The recreation and park agency should, as a minimum, be a department within the state organization.

14. Transportation for recreation activities should be given equal status with other programs in the community.
15. The community organization component should be included in the current duties of park and recreation department field staff, the scope of duties to be determined by the local agency.
16. Employment practices of the department should eliminate many of the present restrictive devices and requirements and should encourage use of para-professionals.
17. There should be recognition of the need to pass responsibility to subordinates.
18. Use should be made of contract payroll so that neighborhood people with special talents could, without the long and sometimes tedious task of going through civil service, be hired for specific jobs and for specific periods.
19. There should be utilization of small facilities to make maximum use of the time needs of the populations, as opposed to the 9-5 concept use of building facilities.
20. There be consideration of 24-hour use of areas as a method of eliminating vandalism.

Treatment of Minority Groups

One significant topic discussed by the groups related to the employment of black police officers and whether they relate better to black youth than do white officers. It was pointed out that the employment of black officers in predominately black neighborhoods has helped in community-police relations; however, it was generally agreed that black officers must earn the respect of the black residents; that black officers are considered part of the white

establishment and often initially find it difficult to relate to black people, particularly youth, for this reason: that the approach of any police officer to an individual is an important factor in their relationship.

Specific Recommendations

1. Black recreators and police should be recruited and assigned in the black community at varying levels of responsibility.
2. The addition of minority members should be encouraged throughout the park and recreation organizations, but especially at the decision-making levels.
3. There should be representatives of different ethnic groups in the park and recreation department.

Youth Participation

There is a drastic need to establish better communication with young people and to elicit their assistance in citizen safety programs, such as riding of motorcycles, rock concerts, purse snatching, muggings, large disorderly impromptu groups, abusive language, vandalism, roving groups, and lack of respect for and interference with authority.

The possibility of using marshals appointed from youth groups was urged as a positive approach. It was emphasized that this has been used successfully on several occasions on the East Coast. Marshals may be used on internal routine functions and law enforcement staff on external matters including emergencies to handle the enforcement of laws. Plainclothes officers can be integrated into the groups when the use of narcotics is suspected.

Specific Recommendations

1. There should be better education programs on leisure in school, which might stimulate youth toward better outlets for their feelings.

2. Local jurisdictions and agencies should invite youth to serve at policy, program, and operation levels. Democratic methods should be used for the selection of these youths.
3. There should be formed a youth advisory commission. Its function would be to advise on existing programs and facilities, to devise and create ideas for new facilities and programs, to aid in the implementation of activities acquisition and programs, and to advise the power structure, the police, and their own peer groups on safety and control programs. A staff liaison person should be provided between the council and the top power structure.
4. There is a need to improve recruitment procedures, especially in high schools. High school counselors need to be better informed of the opportunities in the park and recreation profession.

Training and Education

Intensification of personnel training to achieve better public relations and safe use of parks and recreation facilities is needed. Therefore, training facilities should be increased. Also, too many times effective leaders who are the backbone of programs are forced into higher positions of supervision because they will receive higher salaries. Therefore, there is a need to increase salaries on all leadership levels.

Specific Recommendations

1. There should be specialized training in relation to people who will use the parks.
2. A four-year curriculum is not the entire answer for education programs. There is a need for junior college programs, and in-service education. NRPA should help set up guidelines in this area.

3. There is a need for sensitivity training of personnel so that when confronted, the staff will not overreact.
4. In-service training and informational meetings should be used to establish communication between recreation and park personnel and enforcement personnel.
5. There should be an agency, other than the federal government, that will train park rangers and establish guidelines for training.
6. Park and recreation curricula should include security subjects in their preparation of professional recreation and park personnel.
7. NRPA and state societies should conduct state, regional, and local in-service training through the existing college and university curricula on citizen safety and related issues for local and state law enforcement and park and recreation personnel. This should be for official college credit in standard education programs whenever possible.
8. NRPA should develop videotape programs that might be utilized for training at the local level.
9. NRPA should establish a model sensitivity training workshop that may be implemented through each state affiliate.

Drug Use and Control

Park and recreation personnel have a responsibility for making a full effort to contribute to drug control through an in-service training program with stress on drug interpretation and education so that the staff will have basic background information to help deal with the problem on a day-to-day basis. This includes the recognition of users and knowing where to turn for assistance. Personnel should have a direct line of communication with law enforcement intelligence officers or appropriate agencies.

Specific Recommendations

1. NRPA should make drug education films available through its loan library.
2. There should be national guidelines concerning drug use in the parks.
3. Park and recreation people have a distinct responsibility for assisting youth with drug problems and for notifying law enforcement officials to identify drug pushers.
4. NRPA should establish guidelines for drug education programs that can be implemented at the local level.

Guards Against Crisis Operations and Programs

"The federal funding agencies should encourage, indeed, require, coordination and cooperation of funded recreation programs with established agencies and organizations at the local, state, and national levels.

"Federal-funded programs should only be awarded to groups/agencies when it is known and documented that the proposal reflects and has the endorsement of the community and their felt needs and involvement.

"It should be made clear and documented that established agencies concur with the importance of a proposed project and have a commitment to continue to support and expand it when federal financial assistance is no longer made available.

"It is strongly urged that all federally financed projects stipulate a strong and meaningful evaluation component to validate and objectify their importance of lack of same." (Chicago task force report, presented by Mr. Verhoven)

PART 1—MISCELLANEOUS PROVISIONS

Sec.

- 1.1 Applicability and scope.
1.2 Definitions.
1.3 Penalties.

AUTHORITY: The provisions of this Part 1 issued under secs. 1 and 3, 39 Stat. 535, as amended; sec. 1, 47 Stat. 1420; 60 Stat. 885; as amended; sec. 2, 49 Stat. 666; 16 U.S.C. 1, 3, 9a, 17j-2, and 462, and acts relating to the individual areas.

SOURCE: The provisions of this Part 1 appear at 31 F.R. 16651, Dec. 29, 1966, unless otherwise noted.

§ 1.1 Applicability and scope.

(a) The regulations contained in Parts 1 through 6 of this chapter shall apply to all persons entering, using, visiting, or who are otherwise within the boundaries of any federally owned or controlled areas administered by the National Park Service, except: (1) Areas administered by the National Park Service in the District of Columbia and its environs to which Part 50 is specifically applicable, and (2) national cemeteries to which Part 55 is specifically applicable. The special regulations in Part 7 of this chapter also will apply to all persons entering, using or visiting the areas for which they are adopted. The regulations contained in Parts 1 through 7 of this chapter are hereby made and prescribed for the proper use, management, government and protection of, and maintenance of good order in the areas to which they apply.

(b) The regulations contained in Parts 1 through 7 of this chapter are not applicable on privately owned lands (including Indian lands owned either individually or tribally) within the boundaries of any park area, except as may be provided by regulations specifically relating to privately owned lands under the legislative jurisdiction of the United States.

(c) The regulations contained in Part 7 of this chapter are special regulations prescribed for specific areas, and such regulations may amend, modify, relax, or make more stringent the regulations contained in Parts 2 through 6 of this chapter.

[31 F.R. 16651, Dec. 29, 1966, as amended at 32 F.R. 8294, June 9, 1967]

§ 1.2 Definitions.

The following definitions shall apply to all regulations contained in Parts 1 through 7 of this chapter.

(a) The term "Secretary" shall mean the Secretary of the Interior.

(b) The term "Director" shall mean the Director of the National Park Service.

(c) The term "Regional Director" means the official in charge of a region of the National Park Service.

(d) The term "superintendent" includes any official in charge of a park area, or his authorized representative.

(e) The term "authorized person" includes any person authorized to enforce the provisions of this chapter.

(f) The term "park area" includes all federally owned or controlled areas administered by the National Park Service.

(g) The term "natural area" includes all those national parks and monuments established as such because of their natural features and is applicable to the National Monuments listed below and to all National Parks except Mesa Verde:

Arches.	Grand Canyon.
Badlands.	Great Sand Dunes.
Black Canyon of the Gunnison.	Jewel Cave.
Buck Island Reef.	Joshua Tree.
Capitol Reef.	Katmai.
Capulin Mountain.	Lava Beds.
Cedar Breaks.	Lehman Caves.
Channel Islands.	Muir Woods.
Chiricahua.	Natural Bridges.
Colorado.	Oregon Caves.
Craters of the Moon.	Organ Pipe Cactus.
Death Valley.	Pinnacles.
Devils Postpile.	Rainbow Bridge.
Devils Tower.	Saguaro.
Dinosaur.	Sunset Crater.
Glacier Bay.	Timpanogos Cave.
	White Sands.

(h) The term "historical area" includes all those park areas established as such because of their historical or archeological significance and applies to all National Historic Sites, National Memorials, National Historical Parks, National Military Parks, National Battlefields, Battlefield Sites, and Battlefield Parks, National Memorial Parks, all National Monuments other than those listed in paragraph (g) of this section, and Mesa Verde National Park.

(i) The term "recreational area" includes all National Seashores, National Lakeshores, National Scenic Riverways, National Recreation Areas, National Parkways, National Wild Rivers, Catoclin Mountain Park, Prince William Forest Park, and all other park areas administered by the National Park Service primarily for the purpose of public recreation.

§ 1.3 Penalties.

(a) Any person convicted of violating any provision of the regulations contained in Parts 1 through 7 of this chapter, or as the same may be amended or supplemented, within any park area not embraced in paragraphs (b) or (c) of this section, shall be punished by a fine not exceeding \$500 or by imprisonment not exceeding 6 months, or both, and shall be adjudged to pay all costs of the proceedings. (16 U.S.C. 3)

(b) Any person who knowingly and wilfully violates any provision of the regulations contained in Parts 1 through 7 of this chapter, or as the same may be amended or supplemented, within any of the national military parks, battlefield sites, national monuments, or miscellaneous memorials transferred to the jurisdiction of the Secretary of the Interior from that of the Secretary of War by Executive Order No. 6166, June 10, 1933, and enumerated in Executive Order No. 6228, July 28, 1933, shall be punished upon conviction thereof by a fine of not more than \$100, or by imprisonment for not more than 3 months, or by both. (16 U.S.C. 9a)

(c) Any person convicted of violating any provision of the regulations contained in Parts 1 through 7 of this chapter, or as the same may be amended or supplemented within any park area established pursuant to the Act of August 21, 1935 (49 Stat. 666), shall be punished by a fine of not more than \$500 and shall be adjudged to pay all costs of the proceedings. (16 U.S.C. 462)

PART 2—PUBLIC USE AND RECREATION

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2.1	Abandoned and unattended property.
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2.20	Preservation of public property, natural features, curiosities, and resources.
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AUTHORITY: The provisions of this Part 2 issued under secs. 1 and 3, 39 Stat. 535, as amended; sec. 1, 47 Stat. 1420; 60 Stat. 885, as amended; sec. 2, 49 Stat. 666; 16 U.S.C. 1, 3, 9a, 17j-2, 462, and acts relating to the individual areas.

SOURCE: The provisions of this Part 2 appear at 31 F.R. 16651, Dec. 29, 1966, unless otherwise noted.

§ 2.1 Abandoned and unattended property.

(a) Abandonment of any vehicle or other personal property is prohibited and such property may be impounded by the Superintendent.

(b) Leaving any vehicle or other personal property unattended for longer than 24 hours, without prior permission of the Superintendent, is prohibited and any property so left may be impounded by the Superintendent. In the event unattended property interferes with the safe or orderly management of the park area, it may be impounded by the Superintendent at any time.

[31 F.R. 16651, Dec. 29, 1966, as amended at 32 F.R. 8294, June 9, 1967]

§ 2.2 Aircraft.

(a) The operation or use of aircraft on lands or waters other than at the landing areas designated in special regulations is prohibited. Where a water surface is designated as a landing area, the operation or use of aircraft on the water within 500 feet of bathing beaches, boat docks, floats, piers, ramps, or within 1 mile of water control structures, except as otherwise provided by special regulations, is prohibited.

(b) Except in extreme emergencies involving the safety of human life or threat of serious property loss, the air delivery of any person or thing by parachute, helicopter, or other means without prior written permission of the Superintendent is prohibited.

(c) The provisions of this section shall not be applicable to aircraft engaged on official business of the Federal Government, or used in emergency rescue in accordance with the directions of the Superintendent, or forced to land due to circumstances beyond the control of the operator.

(d) The operation of aircraft shall be in accordance with current applicable regulations of the Federal Aviation Agency.

§ 2.3 Audio devices.

(a) The operation or use of any audio devices including radios, television sets, musical instruments, and noise producing devices such as electric generating plants, or other equipment driven by motors or engines in such a manner and at such times so as to unreasonably annoy persons in campgrounds, picnic areas, lodges, or at other public places or gatherings is prohibited.

(b) The operation or use of public address systems, whether fixed, portable, or vehicle mounted, on lands, waters, and highways, is prohibited except when such use or operation is in connection with public gatherings or special events for which permits have been issued in accordance with § 2.21 or § 2.26.

(c) The installation of aerials or other special radio, telephone, or television equipment is prohibited unless authorized by the Superintendent.

§ 2.4 Begging and soliciting.

(a) Begging is prohibited.

(b) Hitchhiking or the soliciting of transportation is prohibited.

(c) Commercial soliciting of any kind without a permit is prohibited: *Provided*, That this section shall not apply to transactions with authorized concessioners.

§ 2.5 Camping.

(a) Camping and the use of trailers or other camper units is permitted only at designated locations: *Provided, however*, That the Superintendent may issue written permits to persons desiring to camp in backcountry, or other isolated sections of a park area, or may designate portions of the park area in which such permits will not be required by marking on a map which shall be available for public inspection in the Park Offices.

(b) Within designated locations, the pitching of tents or parking of trailers or other camper units is permitted only at the sites designated.

(c) The Superintendent may establish limitations on the length of time persons may camp within a park area, either in a single period or in combined separate periods. Such limitations shall be posted at campgrounds, ranger stations, or other appropriate locations.

(d) The installation of permanent camping facilities is prohibited.

(e) The digging or leveling of the ground at any campsite is prohibited except with permission of the Superintendent.

(f) Camping equipment must be completely removed and the sites cleaned before departure.

(g) Camping within 25 feet of any water hydrant, main road, or well-defined water course, except upon the direction of the Superintendent is prohibited.

(h) Except in those park areas where hunting is permitted, the use of a camp in a park area as a base for hunting outside the park area is prohibited.

(i) Quiet shall be maintained in all campgrounds between the hours of 10 p.m. and 6 a.m.

(j) The gathering of wood for use as fuel in campgrounds or picnic areas shall be limited to dead material on the ground, except where such gathering is prohibited by the Superintendent by the posting of appropriate signs.

§ 2.6 Closing of areas.

The Superintendent may establish a reasonable schedule of visiting hours for all or portions of a park area and close or restrict the public use of all or any portion of a park area, when necessary for the protection of the area or the safety and welfare of persons or property by the posting of appropriate signs indicating the extent and scope of closure. All persons shall observe and abide by the officially posted signs designating closed areas and visiting hours.

§ 2.7 Disorderly conduct.

(a) Disorderly conduct is prohibited.

(b) Offense defined: A person is guilty of disorderly conduct if, with purpose to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof, he shall:

(1) Engage in fighting or in threatening, violent, or tumultuous behavior; or

(2) Make unreasonable noise or offensively coarse utterance, gesture, or display, or address abusive language to any person present; or

(3) Create a hazardous or physically offensive condition by any act which serves no legitimate purpose of the actor.

§ 2.8 Dogs, cats and other pets.

(a) Dogs, cats and other pets are prohibited unless they are crated, caged, or on a leash, or otherwise under physical restrictive control at all times.

(b) Pets are prohibited in public eating places, food stores and on designated swimming beaches at all times. The Superintendent may also designate by the posting of appropriate signs other portions of the park area where pets are not permitted. This paragraph shall not apply to Seeing Eye dogs.

(c) The keeping of dogs, cats, or other pets by residents is prohibited unless authorized by the Superintendent under such conditions as he may prescribe.

(d) Dogs, cats or other pets running at large and observed by an authorized person in the act of killing, injuring or molesting humans or wildlife may be disposed of in the interest of public safety and protection of the wildlife.

(e) In park areas where hunting is permitted, the use of dogs may be allowed in accordance with State law or under such special regulations as the Superintendent may prescribe.

§ 2.9 Explosives.

(a) The use or possession of explosives is prohibited except upon written permission of the Superintendent. Any authorized use or possession of explosives shall conform with all applicable Federal, State and local laws.

(b) The use or possession of fireworks and firecrackers is prohibited, except upon written permission of the Superintendent.

§ 2.10 False report.

The giving of any false or fictitious report or other information to any authorized person investigating an accident or any violation of law or regulations is prohibited.

§ 2.11 Firearms, traps, and other weapons.

(a) In natural and historical areas and national parkways the use of traps, spears, hand-thrown spears, nets (except landing nets), firearms (including air and gas powered pistols and rifles), blow guns, bows and arrows or crossbows, and any other implements designed to discharge missiles in the air or under the

water which are capable of destroying animal life is prohibited. The possession of such objects or implements is prohibited unless they are unladen and adequately cased, or broken down or otherwise packed in such a way as to prevent their use while in the park areas.

(1) This paragraph (a) shall be applicable on the privately owned lands under the legislative jurisdiction of the United States within Glacier, Lassen Volcanic, Mesa Verde, Mount McKinley, Mount Rainier, Olympic, Rocky Mountain, Sequoia-Kings Canyon, Yellowstone, and Yosemite National Parks.

(2) When authorized by the Superintendent, licensed guides in charge of pack trains or saddle horse parties may carry firearms for emergency use as stipulated in a written permit.

(3) Authorized Federal, State, county, and city law enforcement officers may carry firearms in the performance of their official duties.

(b) In recreational areas (except national parkways) the use and possession of all firearms or other implements designed to discharge missiles, which are capable of destroying animal life, shall conform with all applicable Federal, State and local laws. Such firearms or other implements shall not be used in a manner so as to endanger persons or property. The possession of loaded firearms or other implements in developed, populated, or concentrated use areas is prohibited.

§ 2.12 Fires.

(a) The kindling of any fire is permitted only:

(1) In designated camping and picnicking grounds when the fire is confined in a fireplace provided for the use of visitors, or in grills, or in locations marked by the Superintendent; or

(2) In other locations, including backcountry, wilderness and remote sections of the park areas when a written permit has been secured from the Superintendent; or

(3) In portions of the park areas designated by the Superintendent where fires may be kindled without a written permit. Portions of the park areas so designated shall be marked on a map which shall be available for public inspection in the area office; or

(4) In stoves or lanterns using gasoline, propane, butane gas or similar fuels.

(b) Fires must be kindled in such manner that no tree, shrub, grass, or

other inflammable or combustible matter will be set on fire or caused to be set on fire.

(c) When no longer needed, the fire shall be completely extinguished. Leaving a fire unattended is prohibited.

(d) Throwing or dropping a lighted cigarette, cigar, pipe, heel, match, or other burning material is prohibited.

(e) The kindling of fires on park area lands and privately owned lands under the legislative jurisdiction of the United States may be prohibited or limited by the Superintendent by posted signs when the fire hazard makes such action necessary.

(f) The Superintendent, during such periods of time as he may prescribe, may prohibit smoking on any lands, including roads and trails, by the posting of appropriate signs.

§ 2.13 Fishing.

(a) Unless further restricted herein or by special regulations, fishing shall be in accordance with the laws and regulations of the State or legal subdivision thereof, within whose exterior boundaries a park area or portion thereof is located, and such laws and regulations which are now or may hereafter be in effect are hereby adopted and made a part of these regulations.

(b) Fishing in the waters of park areas, except Big Bend, Crater Lake, Glacier, Isle Royale (inland waters only), Mammoth Cave, Mount McKinley, Mount Rainier, Olympic, Platt, and Yellowstone National Parks without the possession of a valid State fishing license is prohibited when required by the laws of the State in which the park areas, or portions thereof are situated.

(c) Fishing by means of the use of drugs, poisons, explosives, or electricity is prohibited.

(d) Digging for bait is prohibited.

(e) The transplanting or introducing of any live fish or nonpreserved fish eggs into the fresh waters of any park area without authorization from the Superintendent is prohibited.

(f) All fish caught which measure less than the minimum legal size limit or over the maximum legal size limit or are a species unlawful to take, and all fish the fisherman does not elect to keep shall be carefully and immediately returned to the water from which they were taken. Fish so released shall not be considered in the catch or possession limit, provided that at the time of such

catching and releasing the fisherman shall have in his possession no more than one fish less than the legal limit.

(g) Fishing from or within 200 feet of any public raft or float designed for water sports or within the limits of designated mooring areas, swimming beaches or surfing areas is prohibited. Fishing from or within 200 feet of public boat docks or designated harbors may be prohibited by the Superintendent by the posting of appropriate signs.

(h) Fishing from motor road bridges is prohibited, except as authorized by the Superintendent.

(i) State fishing licenses must be exhibited upon demand to any person authorized to enforce the provisions of these regulations.

(j) In natural and historical areas:

(1) The possession of live or dead minnows, chubs, other bait fish, non-preserved fish eggs and fish roe or the use thereof as bait in fresh water, or the placing or depositing of preserved or fresh fish eggs, fish roe, food or other substance in any fresh waters for the purpose of attracting, catching, or feeding fish is prohibited, except as may otherwise be provided in special regulations.

(2) Fishing in fresh waters with nets, seines, traps, spears, or in any manner other than by hook and line, the rod of line being held in the hand, or for merchandise or profit, is prohibited except as provided under special regulations.

(k) The regulations contained in this section, except for paragraph (d) shall be applicable on the privately owned lands under the legislative jurisdiction of the United States.

§ 2.14 Fraudulently obtaining accommodations.

Obtaining food, lodging or other accommodations in a park area without making payment therefor on demand is prohibited. The use of fraudulent means such as absconding without paying or offering to pay therefor, or paying with negotiable paper on which payment is refused, or false or fictitious showing of baggage or other property or surreptitious removal of baggage or other property is prohibited.

§ 2.15 Gambling.

Gambling in any form, or the operation of gambling devices, whether for merchandise or otherwise, is prohibited on the federally owned lands of a park area, and on privately owned lands

within park areas under the legislative jurisdiction of the United States.

§ 2.16 Intoxication; drug incapacitation.

Entering or remaining in a park area when manifestly under the influence of alcohol, narcotics or other drug, to a degree that may endanger oneself or other persons or property, or unreasonably annoy persons in the vicinity is prohibited.

§ 2.17 Lost and found articles.

All lost articles shall be deposited by the finder at the office of the Superintendent or at the nearest Ranger Station, leaving his name and address.

§ 2.18 Picnicking.

(a) In natural and historical areas picnicking is prohibited, except in those locations designated by the Superintendent by the posting of appropriate signs. The Superintendent may also establish reasonable limitations on the length of time any person or group of persons may use any picnicking facility by the posting of appropriate signs when such limitations are necessary for the accommodation of the visiting public.

(b) In recreational areas picnicking is permitted except in those locations designated by the Superintendent by the posting of appropriate signs. The Superintendent may also establish reasonable limitations on the length of time any person or persons may use any picnicking facility by the posting of appropriate signs when such limitations are necessary for the accommodation of the visiting public.

§ 2.19 Portable engines and motors.

The operation or use of a portable motor-driven electric generating plant, pump, or other equipment driven by a portable engine or motor outside any developed or public use area without written permission from the Superintendent, is prohibited. The Superintendent may issue a permit for the use if he determines that the applicant has submitted satisfactory justification for the use of such equipment, that natural resources will not be impaired, and that no undue interference with public enjoyment of the park area will result. This section does not apply to outboard motors in areas where outboard motorboating is permitted, nor does it apply to electric generating plants on vessels.

§ 2.20 Preservation of public property, natural features, curiosities, and resources.

(a) In natural and historical areas:

(1) The possession, destruction, injury, defacement, removal or disturbance in any manner of any building, sign, equipment, monument, statue, marker, or other structure, or of any animal or plant matter and direct or indirect products thereof, including but not limited to petrified wood, flower, cone or other fruit, egg, nest, or nesting site, or of any soil, rock, mineral formation, phenomenon of crystallization, artifact, relic, historic or prehistoric feature, or of any other public property of any kind, is prohibited, except as otherwise provided in this section or in special regulations for a park area.

(2) The gathering or possession for personal consumption or use, of only such fruits and berries as the Superintendent may designate is permitted. All such fruits and berries shall be picked only by hand. The gathering or collecting of such objects for the purpose of sale is prohibited.

(3) The possession or use of any mineral or metal detecting device is prohibited: *Provided*, That possession of such a device within a motor vehicle is permitted if the device is broken down or packed in such a way as to prevent its use while in the park areas: *Provided further*, That the provisions of this section shall not apply to (i) fathometers, radar equipment and electronic equipment used primarily for the navigation and safe operation of boats and aircraft, and (ii) mineral or metal detecting devices used in pursuit of authorized mining activities.

(b) In recreational areas:

(1) The intentional or wanton destruction, defacement or removal of any natural feature or nonrenewable natural resource is prohibited.

(2) The intentional or wanton possession, destruction, injury, defacement, removal, or disturbance in any manner of any public building, sign, equipment, monument, marker, or other structure, or of any relic, artifact, ruin, or historic or prehistoric feature or of any other similar public property is prohibited.

(3) Gathering or collecting for personal use, reasonable quantities of natural products of a renewable nature, including, but not limited to, seashells, fruits, berries, driftwood, and marine deposits of natural origin is permitted.

The gathering or collecting of such products for the purpose of sale is prohibited.

(4) The destroying, digging, removing, or possessing of any tree, shrub, or other plant is prohibited.

(5) The gathering or collecting of small quantities of pebbles or small rocks by hand for personal use is permitted. The collection of such objects for the purpose of sale is prohibited.

(6) The possession or use of any mineral or metal detecting device is prohibited: *Provided*, That possession of such a device within a motor vehicle is permitted if the device is broken down or packed in such a way as to prevent its use while in the park areas: *Provided further*, That the provisions of this section shall not apply to (i) fathometers, radar equipment and electronic equipment used primarily for the navigation and safe operation of boats and aircraft, and (ii) mineral or metal detecting devices used in pursuit of authorized mining activities.

(c) Damaging or molesting crops or livestock is prohibited.

(d) Taking canes, umbrellas, sticks, or similar objects into caves or caverns is prohibited, except by permission of the Superintendent.

(e) The tossing, throwing, or rolling of rocks or other materials inside caves or caverns, into valleys or canyons or down hills and mountains is prohibited.

[31 F.R. 16651, Dec. 29, 1966, as amended at 34 F.R. 14170, Sept. 9, 1969]

NOTE: Regulations concerning archeological ruins and objects are found in 43 CFR 8.

§ 2.21 Public assemblies, meetings.

(a) Public meetings, assemblies, gatherings, demonstrations, parades and other public expressions of views are permitted within park areas on lands which are open to the general public provided a permit therefor has been issued by the Superintendent.

(b) Any application for such a permit shall set forth the name of the applicant, the date, time, duration, nature and place of the proposed event, an estimate of the number of persons expected to attend, and a statement of equipment and facilities to be used in connection therewith.

(c) The Superintendent shall issue a permit on proper application unless:

(1) A prior application for the same time and place has been made which has been or will be granted; or

(2) The event will present a clear and present danger to the public health or safety; or

(3) The event is of such nature or duration that it cannot reasonably be accommodated in the particular park area applied for.

(d) The permit may contain such conditions as are reasonably consistent with protection and use of the park area for the purposes for which it is maintained. It may also contain reasonable limitations on the time and area within which the event is permitted.

§ 2.22 Report of injury or damage.

All incidents resulting in injury to persons or damage to property (other than those specified in Parts 3 and 4), must be reported by the person or persons involved as soon as possible to the Superintendent. This report does not relieve persons from the responsibility of making any other accident reports which may be required under State law.

§ 2.23 Saddle and pack animals.

(a) Horses and other saddle or pack animals are permitted only on those trails or routes established for their use, except in those areas where cross-country travel is permitted by the Superintendent.

(b) The use of horses or other saddle or pack animals upon the main-traveled or maintained portion of roadways is prohibited, except where such travel is necessary for ingress to and egress from trails or privately owned property, or is incidental to authorized travel.

(c) In the interest of the public safety and welfare the Superintendent, by special regulation, may require that saddle horse parties and pack trains shall be in the charge of a guide who has been licensed under State or local laws or who meets qualifications which may be established by the Superintendent, or both, if the Superintendent deems it necessary.

(d) Riding or hitching horses, or other saddle or pack animals in campgrounds, picnic areas, or within the immediate vicinity of trail shelters, eating or sleeping establishments or other areas of public gatherings, except where trails and facilities are designated or provided for such use, is prohibited.

(e) Riders shall slow their horses to a walk or slow trot when passing persons on foot or on bicycles.

§ 2.24 Sanitation.

(a) All garbage, papers, cans, bottles, waste materials and rubbish of any kind must be burned in authorized fires, or disposed of only at points or places designated for the disposal thereof, or removed from the area. All noncombustible waste materials shall be deposited only in places designated for the disposal of such materials or removed from the area.

(b) Draining or dumping refuse or wastes from any trailer, or other vehicle except in places or receptacles provided for such use is prohibited.

(c) Cleaning food or washing clothing or articles of household use at campground hydrants is prohibited.

(d) Polluting or contaminating in any manner any watershed, water supplies or water used for drinking purposes is prohibited.

(e) Fish entrails or other inedible parts of fish may be disposed of into salt waters except within 200 feet of boat docks or swimming areas but shall not be thrown into fresh waters or onto park area lands in areas of public concentration.

(f) Depositing any body waste in or on any portion of any comfort station or other public structure except into fixtures provided for that purpose is prohibited. Placing any bottle, can, cloth, rag, metal, wood, or stone substances in any of the plumbing fixtures in such station or structure is prohibited. All comfort stations shall be used in a clean, sanitary, and orderly manner.

(g) Urinating or defecating other than at the places provided therefor is prohibited, except in backcountry, wilderness or other remote areas.

(h) Using Government refuse containers or other refuse facilities for dumping household or commercial garbage or trash brought as such from private property is prohibited.

§ 2.25 Scientific specimens.

Unless specifically permitted by other regulations in this Part or in special regulations, the collection of plants, rocks, minerals, animal life, or other natural objects is permitted only in accordance with written permits obtained in advance from the Superintendent.

(a) No permits will be issued to individuals or associations to collect specimens for personal use, but only to persons officially representing reputable scientific or educational institutions in

procuring specimens for research, group study or museum display.

(b) Permits will be issued only on condition that the specimens taken will become part of a permanent public museum or herbarium collection, or will in some suitable way be made permanently available to the public.

(c) No permits may be granted for the collection of specimens the removal of which would disturb the remaining natural features or mar their appearance.

(d) Permits to secure rare natural objects will be granted by the Director only upon proof of special need for scientific use and of the fact that such objects cannot be secured elsewhere.

§ 2.26 Skating, skateboards.

The use of roller skates and skateboards is prohibited except in locations designated by the Superintendent by the posting of appropriate signs.

§ 2.27 Special events.

Sports events, pageants, reenactments, regattas, entertainments and the like, characterized as public spectator attractions, are prohibited unless written permission therefor has been given by the Superintendent. Such permits may be issued only after a finding that the issuance of such permit will not be inconsistent with the purposes for which the area is established and maintained, and will cause the minimum possible interference with use of the area by the general public. The permit may contain such reasonable conditions and restrictions as to duration and area occupied as are necessary for protection of the area and public use thereof.

§ 2.28 Swimming and bathing.

(a) Swimming and bathing are permitted except in waters and at times where such activities are prohibited in the interest of public health or safety, which excepted waters shall be designated by posted signs.

(b) The Superintendent may prohibit the use of flotation devices within designated swimming areas by the posting of appropriate signs.

(c) Swimming from vessels under way is prohibited.

(d) SCUBA diving is prohibited within the limits of designated swimming, boat mooring, and boat docking areas.

(e) The use of surfboards and similar devices is prohibited within the limits of designated swimming beaches.

§ 2.29 Tampering with vehicle or vessel.

Tampering or attempting to tamper with any vehicle, vessel or other equipment which is not lawfully in one's possession or control, or entering or going upon, moving or manipulating any of the parts or components of any vehicle, vessel or other equipment or starting or setting the same in motion, except under such lawful possession or control, are prohibited.

§ 2.30 Travel on Trails.

(a) In natural and historical areas, the use of bicycles, motorcycles and other motor vehicles is prohibited on trails, except that bicycles may be used on those trails designated for their use by posted signs.

(b) In recreational areas, the use of motorcycles and other motor vehicles on trails is prohibited except on trails designated by the Superintendent and posted for such use. The use of bicycles is permitted unless restricted by posted signs.

(c) Pedestrians on trails shall remain quiet when saddle or pack animals are passing.

§ 2.31 Water skiing.

(a) In natural and historical areas, the towing of water skis, surfboards, and similar devices by vessels is prohibited, except in waters specifically designated for such use by the Superintendent. Such designations shall be made on a map of the area which shall be available for public inspection in the office of the Superintendent, or by posted signs, or both.

(b) In recreational areas, the towing of water skis, surfboards, and similar devices by vessels is permitted except in waters posted by appropriate markers or signs.

(c) Where towing is permitted in any area persons shall comply with the following conditions:

(1) Towing is permitted only between the hours of sunrise and sunset, except in connection with special events authorized by the Superintendent and for which special lighting is provided.

(2) There must be at least two persons in the vessel, with one, other than the operator, observing the progress of the person or persons being towed.

(d) Water skiers shall wear a life-saving device. Skiers wearing a device which is not approved by the U.S. Coast

Guard must have such an approved life-saving device readily available in the towing vessel.

(e) Water skiing is prohibited in channels or within 500 feet of harbors, swimming beaches, and mooring areas, or within 100 feet of any person swimming or diving.

§ 2.32 Wildlife; hunting.

(a) In natural and historical areas and national parkways:

(1) The hunting, killing, wounding, frightening, capturing, or attempting to kill, wound, frighten, or capture at any time of any wildlife is prohibited, except dangerous animals when it is necessary to prevent them from destroying human lives or inflicting personal injury.

(2) Except as otherwise provided herein, the feeding, touching, teasing, molesting, or intentionally disturbing any wildlife or nesting and related activities or phenomena thereof is prohibited.

(3) The regulations contained in this section shall be applicable to privately owned lands under the legislative jurisdiction of the United States within Glacier, Lassen Volcanic, Mesa Verde, Mount McKinley, Mount Rainier, Olympic, Rocky Mountain, Sequoia-Kings Canyon, Yellowstone and Yosemite National Parks.

(b) In recreational areas (except national parkways):

(1) Except as otherwise provided herein, hunting and trapping are permitted in accordance with all Federal, State and local laws and regulations applicable to these areas or portions thereof. Portions of the area in which hunting and trapping are not permitted shall be designated on a map of the area which will be available for public inspection in the office of the Superintendent and at other convenient places within the area, and may be posted on the ground.

(2) Any other hunting, killing, wounding, frightening, capturing, or attempts to kill, wound, frighten, or capture, or the feeding, touching, teasing, molesting, or intentional disturbance of any wildlife or nesting and related activities or phenomena thereof is prohibited, except when necessary to prevent dangerous animals from destroying human life or inflicting personal injury.

(c) The possession of unlawfully taken carcasses of wildlife or portions thereof is prohibited.

§ 2.33 Winter sports.

(a) Skiing, sledding, tobogganing, snowshoeing, skating, and other similar winter sports are permitted except upon roads and parking areas when such roads and parking areas are open to motor vehicle traffic and in other places where these activities are prohibited by posted signs.

(b) The towing of persons on skis, sleds, or other sliding devices is permitted only on routes or in locations designated by the Superintendent. Such designations may be made by marking on a map of the area which shall be available for public inspection at the park office, or by posting of signs.

PART 3—BOATING

Sec.

- 3.0 Applicable regulations.
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- 3.17 Water sanitation.
- 3.18 Inspections.

AUTHORITY: The provisions of this Part 3 issued under secs. 1 and 3, 39 Stat. 535, as amended; sec. 1, 47 Stat. 1420; 60 Stat. 885, as amended; sec. 2, 49 Stat. 666; 16 U.S.C. 1, 3, 9a, 17j-2, 462, and acts relating to the individual areas.

SOURCE: The provisions of this Part 3 appear at 31 F.R. 16655, Dec. 29, 1966, unless otherwise noted.

§ 3.0 Applicable regulations.

In addition to the regulations contained in this part, the U.S. Coast Guard Regulations, Titles 33 and 46, Code of Federal Regulations, are applicable on navigable waters of the United States.

§ 3.1 Definitions.

(a) "Vessel" includes every type or description of craft, other than a seaplane on the water, used or capable of being used as a means of transportation on water. This definition includes but is

not limited to the following: Boat, motorboat, houseboat, rowboat, powerboat, jet boat, fishing boat, towboat, scow, flatboat, sailboat, cruiser, motor vessels, ship, barge, tug, floating cabana, party boat, charter boat, ferryboat, canoe, raft, or any buoyant device permitting or capable of free floatation.

(b) "Motorboat" means any vessel propelled by machinery (including steam) of 65 feet or less in length, whether or not such machinery is the principal source of power.

(c) "Motor vessel" means any vessel propelled by machinery (except steam) over 65 feet in length, whether or not such machinery is the principal source of power.

(d) "Sailboat or sail vessel" means any vessel propelled solely by wind effect on the sail.

(e) "Hand-propelled vessel" means any vessel which is propelled by human muscular effort, which includes but is not limited to oars, paddles, or other contrivances, and upon which no mechanical propulsion device such as electric motor, steam, or internal combustion engine or sail is used for the operation of such vessel.

(f) "Machinery" includes an inboard or outboard engine and any other type of motor or mechanical device capable of propelling a vessel.

(g) "Length" refers to the overall length of the hull, extending from end to end over the deck, excluding sheer, measured in a straight line from the foremost part to the aftermost part of a vessel and parallel to the centerline. Bow sprits, bumpkins, rudders, outboard motor brackets and similar fittings or attachments are not to be included in the measurement. Length shall be stated in feet and inches.

(h) "Operator" refers to the person who operates or has charge of the navigation or use of a vessel.

(i) "Owner" means the person who claims lawful possession of a vessel by virtue of legal title or equitable interest therein which entitles him to such possession.

(j) "Point" means eleven and one-quarter degrees of arc.

(k) "Visible" means visible on a dark night with a clear atmosphere.

(l) "Underway" means not at anchor or made fast to the shore or aground.

(m) "State" means a State or legal subdivision of the United States, Guam, the Virgin Islands, the Commonwealth of Puerto Rico, and the District of Columbia.

(n) A "boating accident" includes but is not limited to: Capsizing, collision, foundering, flooding, fire, explosion, and the disappearance of a vessel other than by theft.

(o) "Person" means an individual, partnership, firm, corporation, association, or other entity.

(p) "Navigable waters of the United States," as used in the rules and regulations of this part, shall be construed to mean those waters of the United States, including the territorial seas adjacent thereto, the general character of which is navigable, and which, either by themselves or by uniting with other waters, form a continuous waterway on which boats or vessels may navigate or travel between two or more States or to or from foreign nations. A stream which otherwise conforms with the above definition would not change its navigable character because of the existence of natural or artificial obstructions such as falls, shallows, rapids, dams, or bridges. Statutory declarations by Congress and decisions pronounced by the Federal courts as to the navigability of specific waters are binding.

(q) "Port" means the left side of a vessel looking from the stern toward the bow.

(r) "Starboard" means the right side of a vessel, looking from the stern toward the bow.

(s) "Stern" means the aft or rear end of the vessel.

(t) "Bow" means the forward part of a vessel.

(u) "Privately owned vessel" means any vessel other than one owned by or engaged in the official business of the Federal Government, or a State or any political subdivision thereof.

(v) "Uniform waterway markers" shall mean the waterway marker system generally accepted for use in various State and Federal areas which includes but is not limited to the following symbols and designations:

(1) *Danger.* Orange bordered diamond symbol on white background. Words placed within border may include "ROCK," "DAM," "SNAG," etc.

(2) *Keep out.* Orange bordered diamond symbol with cross on white background. Words placed outside the sym-

bol may include "Dam," "Waterfall," "Domestic water," "Swim area," etc.

(3) *Restricted area.* Orange bordered circle on white background for regulating water use activity. Words placed within border may include "5 MPH," "No Swim," "No SCUBA," "Fishing Only," etc.

(4) *Information.* Orange bordered square or rectangle on white background. Words placed within symbol may include place names, distances, arrows indicating directions, availability of supplies and facilities, etc.

(w) All of the definitions contained in paragraphs (a) through (v) of this section shall apply to all regulations contained in this chapter.

[31 F.R. 16655, Dec. 29, 1966, as amended at 32 F.R. 8294, June 9, 1967]

§ 3.2 Permits.

(a) The Superintendent may, by the posting of appropriate signs, require the issuance of a permit before any vessel is placed in or operated on the waters. He may also, consistent with regulations in this part, specify conditions of such permit. Where such permits are required, no vessel shall be operated in or on the waters without a permit. The permit must be carried within the vessel at all times and shall be exhibited upon request of any authorized person.

(b) In natural and historical areas, the launching or operating of any motorboat on waters which are not directly accessible by a designated public road is prohibited.

§ 3.3 Numbering.

(a) No vessels, except those specifically exempt herein, which are propelled by machinery of more than 10 horsepower shall be allowed to operate in or on the waters unless such vessels have been documented by the Bureau of Customs, numbered by the U.S. Coast Guard, or numbered by a State having a numbering system approved by the U.S. Coast Guard as provided by the Federal Boating Act of 1958 (72 Stat. 1754). Such vessels shall be properly identified, and the required valid documents or certificates of number shall be carried on board.

(b) The following vessels are exempt from the requirements of paragraph (a) of this section: Foreign vessels temporarily using waters of the United States, Federal, State, and municipal vessels, vessels used exclusively for racing,

and vessels operating under a valid temporary Certificate of Number.

§ 3.4 Motorboat classifications.

Motorboats subject to the provisions of the regulations of this part shall be divided into four classes as follows:

Class A—Less than 16 feet in length.

Class 1—16 feet or over, but less than 26 feet in length.

Class 2—26 feet or over, but less than 40 feet in length.

Class 3—40 feet or over, but not more than 65 feet in length.

§ 3.5 Lights required.

Every motorboat when underway from sunset to sunrise shall carry and exhibit the following lights, and during such time no other light which may be mistaken for those prescribed shall be exhibited.

(a) Classes A and 1:

(1) A bright white light aft to show all around the horizon.

(2) A combined lantern in the fore part of the vessel and lower than the white light aft, showing green to starboard and red to port, so fixed as to throw the light from right ahead to two points abaft the beam on their respective sides.

(b) Classes 2 and 3:

(1) A bright white light in the fore part of the vessel as near the stem as practicable, so constructed as to show an unbroken light over an arc of the horizon of 20 points of the compass, so fixed as to throw the light 10 points on each side of the vessel; namely, from right ahead to 2 points abaft the beam on either side.

(2) A bright white light aft to show all around the horizon and higher than the white light forward.

(3) On the starboard side a green light so constructed as to show an unbroken light over an arc of the horizon of 10 points of the compass, so fixed as to throw the light from right ahead to 2 points abaft the beam on the starboard side. On the port side a red light so constructed as to show an unbroken light over an arc of the horizon of 10 points of the compass, so fixed as to throw the light from right ahead to 2 points abaft the beam on the port side. The said side lights shall be fitted with inboard screens of sufficient height so set as to prevent these lights from being seen across the bow.

(c) Every white light heretofore prescribed in this section shall be of such

character as to be visible at a distance of at least 2 miles, and every colored light shall be of such character as to be visible at a distance of 1 mile.

(d) Any motorboat may carry and exhibit the lights required by the Act of October 11, 1951 (65 Stat. 406-420), as amended (33 U.S.C. 143-147d), in lieu of the lights prescribed in this section.

(e) All other vessels shall display the lights prescribed by Statutory Rules of the Road (33 U.S.C. 143-147d; 151-232; 241-295; and 303-356), which include but are not limited to the following requirements for sailboats and hand-propelled vessels:

(1) Vessels when propelled by sail alone shall exhibit the following lights: On the starboard side a green light, and on the portside a red light so constructed as to show an unbroken light over an arc of the horizon from dead ahead to 2 points abaft the beam. Such vessels shall also carry at the stern a 12-point white light so fixed as to throw the light 6 points from aft on each side of the vessel; or in a small vessel if it is not possible on account of bad weather or other sufficient cause for this light to be fixed, such vessel shall carry ready at hand a lantern or flashlight to show a white light which shall be exhibited in sufficient time to avert collision. Sailboats less than 40 feet in length may carry a combined light in lieu of separate side lights.

(2) All hand-propelled vessels operated between sunset and sunrise shall have ready at hand a lantern or flashlight to show a white light which shall be exhibited in sufficient time to avoid collision.

(3) All vessels at anchor between sunset and sunrise, unless anchored at a designated site, shall carry forward or where it can best be seen a bright white light to show all around the horizon and visible for 1 mile.

§ 3.6 Lifesaving equipment required.

(a) All motor vessels shall carry a U.S. Coast Guard approved life preserver for each person on board, and such vessels carrying passengers for hire shall also be provided with an additional number of approved life preservers suitable for children equal to at least 10 percent of the total number of persons carried.

(b) Motorboats when carrying passengers for hire shall be provided with a U.S. Coast Guard approved life preserver

for each person on board, and with an additional number of approved life preservers suitable for children equal to at least 10 percent of the total number of persons carried.

(c) Motorboats of Class 3 not carrying passengers for hire shall carry a U.S. Coast Guard approved life preserver or ring life buoy for each person aboard.

(d) All other vessels shall carry a U.S. Coast Guard approved life preserver, ring life buoy, buoyant vest, or buoyant cushion for each person aboard.

(e) Lifesaving devices required on all vessels shall be in a good and serviceable condition, and shall be so placed as to be immediately accessible in the event of emergency.

§ 3.7 Signaling devices.

Motorboats shall be provided with an efficient whistle or other sound producing device as set forth below:

Class of Motorboat	Type of Device
A-----	None.
1-----	Mouth, hand, or power operated whistle or other sound producing mechanical device, capable of producing a blast for 2 seconds or more duration, and audible for at least one-half mile.
2-----	Hand or power operated horn or whistle capable of producing a blast of 2 seconds or more duration, and audible for at least 1 mile; and a bell.
3-----	Power operated horn or whistle capable of producing a blast of 2 seconds or more duration and audible for a distance of at least 1 mile; and a bell.

§ 3.8 Flame arrestors.

Each carburetor of every gasoline engine except outboard motors installed in a vessel shall be equipped with an efficient flame arrestor approved by the U.S. Coast Guard.

§ 3.9 Ventilation.

All vessels which use fuel having a flashpoint of 110° F. or less shall be equipped with ventilators as required by the U.S. Coast Guard.

§ 3.10 Fire extinguishers.

All motorboats shall carry at least the minimum number of hand portable fire extinguishers approved by the U.S. Coast Guard, as set forth below, except that motorboats of Classes A and 1 of open construction which are propelled by out-

board motors but are not carrying passengers for hire need not carry such fire extinguishers.

Class of motorboat	Minimum number of B-1 hand-portable fire extinguishers required (however, one B-11 hand-portable fire extinguisher may be substituted for two B-1 hand-portable fire extinguishers).	
	No fixed fire extinguishing system in machinery spaces	Fixed fire extinguishing system in machinery spaces
A-----	1	0
1-----	1	0
2-----	2	1
3-----	3	2

Examples of minimum size graduations for some of the typical hand-portable fire extinguishers are set forth below:

Classification		Foam (gallons)	Carbon dioxide (pounds)	Dry chemical (pounds)
Type	Size			
B-----	I-----	1½	4	2
B-----	II-----	2½	15	10
B-----	III-----	12	35	20

§ 3.11 Commercial operations.

(a) Vessels subject to United States Coast Guard inspection and certification shall not be operated on navigable waters of the United States unless the vessel has a valid certificate of inspection issued by the U.S. Coast Guard.

(b) In all waters, the operator of any vessel engaged in commerce, including a vessel carrying passengers for hire, must have either a valid U.S. Coast Guard operator's license or a valid operator permit issued by the Superintendent, following presentation of a valid U.S. Coast Guard operator's license or other adequate evidence of competency by the applicant. On vessels carrying passengers for hire which are operated on navigable waters of the United States, the only acceptable evidence of competency will be a valid U.S. Coast Guard operator's license. In the case of those persons holding operators' permits issued by the Superintendent, violation of the regulations in this chapter or disregard of the conditions outlined in the permit by the permittee or other person under the direction or control of the permittee, will constitute cause for the cancellation of the permit.

(c) The use of liquified petroleum gases and gasoline for cooking, heating, or lighting is prohibited on vessels carrying passengers for hire.

(d) No vessel carrying passengers for hire or reward may be used upon the waters until and unless all safety equipment as described above, has undergone an inspection by the Superintendent or other authorized officer at intervals not to exceed 12 months and such equipment has been found to be acceptable by the examining officer.

§ 3.12 Rules of the road.

The Statutory Rules of the Road (see § 3.5(e)), which have been enacted by the Congress to prevent collision of vessels, must be observed by vessels which are subject to these regulations. The following regulations of this section outline specific requirements set forth in these rules which are hereby adopted for all vessels operated on any area waters.

(a) In narrow channels, when it is safe and practicable, every vessel shall keep to the right of the middle of the channel.

(b) When vessels are approaching each other head on, or nearly so, each shall be operated to pass the other on the port side at a distance and speed so that the wake of each will not endanger the other.

(c) When a vessel desires to pass another traveling in the same direction, the overtaking vessel shall keep clear of the overtaken vessel and shall not pass until it is safe to do so, and then at such speed and distance so as not to endanger the overtaken vessel. The overtaken vessel shall maintain its course and speed until the overtaking vessel has safely passed. An overtaking situation shall exist whenever a vessel approaches another from any direction more than two points abaft the beam of the other vessel.

(d) A crossing situation shall exist when two vessels are approaching each other at right angles or obliquely so as to involve risk of collision, other than when one vessel is overtaking another. In a crossing situation, the vessel which has the other on her own port side shall hold her course and speed; and the vessel which has the other on her own starboard side shall keep out of the way of the other by directing her course to starboard so as to cross the stern of the other vessel, or stop and reverse if necessary to avoid collision.

(e) Any vessel propelled by machinery shall keep clear of any vessel under sail or being propelled by oars or paddles.

(f) Safe and prudent speed shall be maintained in docking, fishing, or buoyed areas so as not to endanger persons, vessels, or other property.

§ 3.13 Accidents.

(a) In case of collision, accident, fire, or other casualty, the operator shall render such assistance as may be practicable and necessary to other persons affected. He shall also give in writing his name, address, and identification of his vessel to any person injured or to the owner of any property damaged.

(b) A report of collision, accident, fire, or other casualty that results in property damage or any personal injury or death to any person must be made by each operator of the vessels involved to the Superintendent as soon as possible, and in any event within 24 hours. This report does not relieve the responsibility of making boating accident reports as may be required by States or the U.S. Coast Guard.

§ 3.14 Prohibited operations.

(a) No operator or person in charge of any vessel shall operate or knowingly permit any other person to operate a vessel in a reckless or negligent manner, or in a manner so as to endanger or be likely to endanger any person or property.

(b) No operator shall permit any person to ride on the gunwales, transom, or on the decking over the bow of a vessel propelled by machinery while the vessel is underway, unless the vessel is adequately equipped with rails or guards: *Provided, however,* That this shall not apply while the vessel is being maneuvered for mooring or unmooring, or when embarking or disembarking passengers.

(c) Operating or being in actual physical control of a vessel while under the influence of alcohol or drugs is prohibited.

(d) No privately owned vessel shall be used to carry passengers for hire, or be used in any other commercial operation, unless written authorization has been granted in accordance with § 5.3 of this chapter, except as provided by special regulations for areas having navigable waters.

(e) Vessels transported by vehicles must be launched or removed from the

waters only at designated launching sites.

(f) No vessel shall be operated within an area designated by a uniform waterway marker or a white buoy, having a horizontal international orange band at the top and bottom and an international orange diamond with cross on the white portions of the buoy, or between a line of such markers or buoys.

(g) No vessel propelled by machinery shall be operated within 500 feet of any designated swimming area, except within marked channels in which instance slow speed shall be maintained.

(h) All vessels shall proceed with due caution and at a slow speed while underway when in the vicinity of any diver's marker, designated by a standard square-shaped flag containing a white diagonal stripe on a red field.

(i) No vessel shall be operated in excess of 5 miles per hour within designated harbors or in any area designated by a uniform waterway marker or white buoy, having a horizontal international orange band at the top and bottom and an international orange circle with a black "5 MPH" therein on the white portions of the buoy, or between a line of such buoys and the nearest shore.

(j) Attaching a vessel to or interfering with any marker, navigational buoy, or other navigational aid is prohibited.

(k) Operating any vessel in a manner which will unreasonably interfere with other vessels or with free and proper navigation of the waterways is prohibited. Anchoring in heavily traveled channels or main thoroughfares shall constitute such interference if unreasonable in the prevailing circumstances.

(l) Every vessel which is propelled on the waters by an internal combustion engine shall be equipped with a muffler so constructed as to prevent any intense or prolonged noise in the operation of such vessel, and the said muffler shall not be removed, cut down, or put out of operation for any purpose, except upon authorization of the Superintendent during periods of regattas. Nothing contained in this paragraph shall apply to vessels equipped with underwater exhausts or to vessels discharging water through open exhaust pipes, so long as these methods of silencing the exhaust are effective.

(m) Leaving any vessel unattended, outside of designated mooring or beaching areas, for a period in excess of 24

hours without prior written permission of the Superintendent is prohibited, and any vessel so left may be impounded by the Superintendent.

(n) Vessels equipped with a propeller above the water line, commonly referred to as an "airboat" are prohibited.

(o) In natural and historical areas no vessel 40 feet or more in length shall be placed in or operated on the fresh waters, except the waters of the Great Lakes: *Provided, however,* That this paragraph shall not apply to concession-operated sightseeing or ferrying vessels.

(p) In recreational areas no vessel more than 65 feet in length shall be placed in or operated on the fresh waters, except the Great Lakes: *Provided, however,* That this paragraph shall not apply to concession-operated sightseeing or ferrying vessels.

(q) No log boom, pier, dock, fence, pile, raft, anchorage, or other obstruction shall be installed in the waters.

(r) The provisions of this section shall not apply to vessels operated for official use by any agency of the United States, or of the States or political subdivisions thereof in which the waters are situated.

§ 3.15 Restricted waters.

(a) No vessel shall be operated on any waters which are zoned or marked as migratory bird waters, or for fish cultural or wildlife uses.

(b) No vessel shall approach any dam or other engineering works closer than the limits posted with appropriate signs or markers.

(c) The Superintendent may close or otherwise restrict the use of any body of water when necessary to protect life or property, or for any other emergency. Such restricted area shall be defined, whenever practicable, by signs or markers and shall be designated on a map or chart, copies of which shall be conspicuously posted at places such as public docks and launching sites.

(d) The Superintendent may, by the posting of appropriate signs, restrict the loading, unloading, or mooring of privately owned vessels at Government-owned docks, piers and floats.

(e) The Superintendent may, by the posting of appropriate signs, establish limitations on the time allowed for camping on or from vessels, either in single periods, or combined separate periods, in any area waters or portions thereof.

§ 3.16 Other safety requirements.

(a) All vessels, except motorboats of Classes 2 and 3 and motor vessels, shall be equipped with oars or paddles while underway.

(b) No vessel, while underway, shall carry more than a safe capacity load in persons or total weight, taking into consideration water and weather conditions, hull configuration, and intended use: *Provided*, That the passenger loading capacity defined in the "Certificate of Inspection" for vessels inspected by the U.S. Coast Guard shall govern over any limit ascertained by application of a formula for determining maximum safe loads.

(c) All vessels of open construction shall carry a suitable balling bucket, in addition to whatever bilge pumps or automatic balling devices with which the vessel may be equipped.

(d) All vessels, except those capable of being safely beached, shall be equipped with an anchor and line of sufficient weight and length to securely anchor such vessel.

§ 3.17 Water sanitation.

(a) In fresh waters, except the Great Lakes, the draining, dumping, or discharging of wastes or refuse, including human wastes, into the waters from any vessel is prohibited.

(b) In salt waters and in the Great Lakes, the draining, dumping, or discharging of wastes or refuse, including human wastes, into the waters from any vessel is prohibited within the boundary of the federally owned or controlled area administered by the National Park Service; or, if such boundary extends more than 1 mile from the mean low waterline of the nearest shore, within such 1-mile limit.

(c) All vessels shall have a waste receptacle aboard. Receptacles shall be emptied only into facilities provided at docks or other specified places.

[31 F.R. 16855, Dec. 29, 1966, as amended at 32 F.R. 8294, June 9, 1967]

§ 3.18 Inspections.

The Superintendent may at any time stop or board any vessel to examine documents, licenses or permits relating to operation of the vessel and to inspect such vessel to determine compliance with regulations.

PART 4—VEHICLES AND TRAFFIC SAFETY

Sec.	
4.1	State law applicable.
4.2	Definitions.
4.3	Bicycles.
4.4	Commercial towing service.
4.5	Driver's license.
4.6	Driving under influence of intoxicating liquor or drugs.
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4.8	Excessive acceleration.
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4.11	Load, weight, length, and width limitations.
4.12	Mufflers.
4.13	Obstructing traffic.
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4.16	Right of way.
4.17	Speed limits.
4.18	Traffic control and signs.
4.19	Travel on roads.
4.20	Vehicle registration.

AUTHORITY: The provisions of this Part 4 issued under sec. 1 and 3, 39 Stat. 535, as amended; sec. 1, 47 Stat. 1420; 60 Stat. 885, as amended; sec. 2, 49 Stat. 666; 16 U.S.C. 1, 3, 9a, 17j-2, 462; and acts relating to the individual areas.

SOURCE: The provisions of this Part 4 appear at 31 F.R. 16659, Dec. 29, 1966, unless otherwise noted.

§ 4.1 State law applicable.

Unless specifically covered by the general and special regulations set forth in this chapter, the laws and regulations of the State within whose exterior boundaries a park area or portion thereof is located shall govern traffic and the operation and use of vehicles. Such State laws and regulations which are now or may hereafter be in effect are hereby adopted and made a part of the regulations in this part.

§ 4.2 Definitions.

The following terms and phrases when used in this part have the meanings respectively ascribed:

(a) *Vehicle*. Every device in, upon, or by which any person or property is or may be transported or drawn on land, except devices moved by human power or used exclusively upon stationary rails or tracks.

(b) *Motor vehicle*. Every vehicle which is self-propelled and every vehicle which is propelled by electric power, but not operated upon rails, or upon water.

(c) *Bicycle*. Every device propelled by human power upon which a person or

persons may ride on land, having one, two, or more wheels.

(d) *Motorcycle.* Every motor vehicle having a seat for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a tractor.

(e) *Traffic.* Pedestrians, ridden or herded animals, vehicles, and other conveyances, either singly or together while using any road, trail, street or other thoroughfare for purpose of travel.

(f) *State.* Any State or legal subdivision thereof of the United States, a territory of the United States, the Commonwealth of Puerto Rico, and the District of Columbia.

(g) *Authorized emergency vehicle.* Any vehicle in official use for emergency purposes by a State or Federal agency, private ambulances, and other vehicles operated by or under the direction of the Superintendent.

(h) *Operator.* Any person who operates, drives, controls or otherwise has charge of a vehicle.

§ 4.3 Bicycles.

(a) Bicycle riders must comply with all applicable traffic regulations. Bicycle riders shall keep well to the side of the road and shall keep the bicycle under complete control at all times. Bicycles shall not be ridden abreast of one another except on roads designed for bicycle use only.

(b) Each bicycle must exhibit a white light on the front and a red light or red reflector on the rear during periods of low visibility or during the period between sundown and sunup.

§ 4.4 Commercial towing service.

An operator of a vehicle used to provide commercial towing service for another vehicle following an accident or for any other reasons must give immediate notice by the quickest available means of communication to the Superintendent before moving the vehicle, unless traffic is being obstructed, in which case notification shall be made before leaving the park area.

§ 4.5 Driver's license.

Driving or permitting another person to drive a vehicle unless such operator has a valid license, when such is required by laws of the State in which the operator is resident or in which the vehicle is registered, is prohibited. A valid driver's or operator's license must be displayed

upon the request of any authorized person.

§ 4.6 Driving under influence of intoxicating liquor or drugs.

No operator of a vehicle shall be under the influence of intoxicating liquor or drugs.

§ 4.7 Entrances and exits.

No operator of a motor vehicle shall enter or leave the park with such vehicle at any place except established entrances and exits, and during such hours as may be designated by the Superintendent through the posting of appropriate signs.

§ 4.8 Excessive acceleration.

The excessive acceleration of the engine of a motor vehicle or motorcycle when such vehicle is not moving, or is approaching or leaving a stopping place, is prohibited.

§ 4.9 False report.

The giving of any false or fictitious report or information to any authorized person investigating an accident or other violation of law or regulations is prohibited.

§ 4.10 Following vehicles.

The operator of a vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of such vehicles and the traffic upon and the condition of the roadway. The responsibility for conformance with this section rests with the operator of the following vehicle.

§ 4.11 Load, weight, length, and width limitations.

(a) Load, weight, length, and width limitations of vehicles except as provided herein shall be in accordance with applicable State law: *Provided, however,* The Superintendent may by the posting of appropriate signs, establish lesser limits, when limits within the State are determined to be greater than sufficient and proper for preservation of the roadway and the safety and welfare of the public, and may also establish hours during which heavy equipment may be operated over government roads.

(b) No vehicle, or load thereon, the total outside width of which exceeds 8 feet, shall be permitted on park roads without a permit from the Superintendent.

(c) Trailers more than 35 feet long are prohibited without a permit from the Superintendent.

(d) The transporting of explosives in any quantity or form without a permit from the Superintendent is prohibited.

§ 4.12 Mufflers.

Every motor vehicle shall at all times be equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise and annoying smoke and no person shall use a muffler cut-out, bypass, or similar device upon a motor vehicle.

§ 4.13 Obstructing traffic.

(a) Stopping, parking, or leaving any vehicle, whether attended or unattended, upon the paved or maintained surface of a road so as to leave less than 10 feet of the width of the same traffic lane for the free or unobstructed movement of other vehicles or upon a designated fire lane is prohibited, except in the event of accident or other conditions beyond the immediate control of the operator, or as otherwise directed by an authorized person.

(b) Causing or permitting a motor vehicle under one's control to obstruct traffic by making turns from the wrong traffic lane, or by weaving in and out of traffic, or by driving so slowly as to interfere with the normal flow of traffic, or in any other manner, is prohibited.

§ 4.14 Reckless or careless driving.

Driving or operating any vehicle carelessly or heedlessly, or in willful or wanton disregard for the rights or safety of other persons, or without due care or at a speed greater than is reasonable and prudent under prevailing conditions, having regard to traffic, weather, wildlife, road, and light conditions, and surface, width, and character of the road, is prohibited. Every operator shall maintain such control of the vehicle as may be necessary to avoid danger to persons or property or wildlife.

§ 4.15 Report of vehicle accident.

(a) The operator of any vehicle involved in collision or upset resulting in damage to property or injury to or death of any person shall immediately stop such vehicle at the scene of the accident or as close thereto as possible but shall then forthwith return to and in every event shall remain at the scene of the

accident until he has fulfilled the requirements of paragraphs (b) and (c) of this section.

(b) The operator of any vehicle involved in collision or upset shall at the time and place of the incident give in writing his name and address and identification of his vehicle to the operator or owner of other property involved.

(c) The operator of any vehicle involved in collision with an unattended vehicle or other property in the absence of the owner shall at the time and place of incident leave in a secure and conspicuous place a written notice, setting forth the name and address of the operator and owner and identification of the moving vehicle, including State registration and license number.

(d) The operator of any vehicle involved in collision or upset shall give notice of such accident forthwith by the quickest available means of communication to the Superintendent, and shall also provide a written report of the incident within 24 hours when requested by an authorized person. This report does not relieve the operator from the responsibility of making any other motor vehicle accident report which may be required by the State law.

§ 4.16 Right of way.

(a) The operator of any vehicle, when being approached from any direction by any authorized emergency vehicle giving an audible or visual signal, shall yield the right of way to the emergency vehicle.

(b) Pedestrians, saddle horses, pack trains, and horse-drawn vehicles have right of way over motor vehicles.

§ 4.17 Speed limits.

(a) Except as otherwise provided in this section, driving a vehicle at a speed in excess of the maximum limits prescribed herein, is prohibited.

(1) 15 miles per hour: Within all school zones, campgrounds, picnic areas, parking areas, trailer campgrounds, utility areas, business or residential areas, and other places of public assemblage, and at sites of emergency, such as forest fires or motor vehicle accidents.

(2) 25 miles per hour: Upon sections of roads under repair or construction.

(3) 45 miles per hour: Upon all other public roads.

(b) The Superintendent may establish greater or lesser speed limits upon

any road or other way when the maximum speed limits set forth above are determined to be greater or less than is reasonable or safe. Such speed limits shall be established by the posting of appropriate signs and no person shall drive any vehicle at a speed in excess of the maximum limits so posted.

(c) The provisions of this section shall not apply to authorized emergency vehicles: *Provided, however,* That such vehicles shall not be operated at speeds in excess of those which are prudent under the circumstances.

§ 4.18 Traffic control and signs.

(a) The Superintendent may erect signs which regulate traffic, prohibit or restrict stopping, standing, or parking, the direction of travel, and the hours during which roads and parking areas are open to the public. All persons shall comply with the directions of any signal or posted traffic sign.

(b) All persons shall obey the lawful order or signal of any authorized person directing, controlling, or regulating the movement of traffic.

(c) The operator of a motor vehicle shall comply with and observe all visual or audible signals given by any authorized person directing the operator to bring his motor vehicle to a stop.

§ 4.19 Travel on roads.

(a) Operating a vehicle outside of established public roads, parking areas, or routes designated by the Superintendent is prohibited. Such routes may be designated by the posting of appropriate signs, or by marking on a map which shall be available for public inspection in the office of the Superintendent, or both.

(b) Operating a vehicle equipped with any fitting or device which damages or is likely to damage the road surface is prohibited: *However,* This section shall not be construed to prohibit the use of ordinary detachable tire or skid chains or comparable safety devices under adverse road conditions.

§ 4.20 Vehicle registration.

The operation of a vehicle which does not bear valid license plates and is not properly certificated or registered in accordance with applicable State laws is prohibited. Valid proof of ownership or State registry of the vehicle must be displayed upon the request of any authorized person.

PART 5—COMMERCIAL AND PRIVATE OPERATIONS

Sec.	
5.1	Advertisements.
5.2	Alcoholic beverages; sale of intoxicants.
5.3	Business operations.
5.4	Commercial passenger-carrying motor vehicles.
5.5	Commercial photography.
5.6	Commercial vehicles.
5.7	Construction of buildings or other facilities.
5.8	Discrimination in employment practices.
5.9	Discrimination in furnishing public accommodations and transportation services.
5.10	Eating, drinking, or lodging establishments.
5.11	Impounding of animals.
5.12	Memorialization.
5.13	Nuisances.
5.14	Prospecting, mining, and mineral leasing.
5.15	Residence on Federal lands.
5.16	Trespass on Federal lands.

AUTHORITY: The provisions of this Part 5 issued under secs. 1 and 3, 39 Stat. 535, as amended; sec. 1, 47 Stat. 1420; 60 Stat. 885, as amended; sec. 2, 49 Stat. 666; 16 U.S.C. 1, 3, 9a, 17j-2, 462, and acts relating to the individual areas.

SOURCE: The provisions of this Part 5 appear at 31 F.R. 16660, Dec. 29, 1966, unless otherwise noted.

§ 5.1 Advertisements.

Commercial notices or advertisements shall not be displayed, posted, or distributed on federally owned or controlled lands within a park area unless prior written permission has been given by the Superintendent. Such permission may be granted only if the notice or advertisement is of goods, services, or facilities available within the park area and such notices and advertisements are found by the Superintendent to be desirable and necessary for the convenience and guidance of the public.

§ 5.2 Alcoholic beverages; sale of intoxicants.

(a) The sale of alcoholic, spirituous, vinous, or fermented liquor, containing more than 1 percent of alcohol by weight, shall conform with all applicable Federal, State and local laws and regulations.

(b) No such liquor shall be sold on any privately owned lands under the legislative jurisdiction of the United States within Glacier, Lassen Volcanic, Mesa Verde, Mount McKinley, Mount Rainier, Olympic, Rocky Mountain, Sequoia-Kings Canyon, Yellowstone, or Yosemite

National Parks, unless a permit for the sale thereof has first been secured from the appropriate Regional Director.

(1) In granting or refusing applications for permits as herein provided, the Regional Directors shall take into consideration the character of the neighborhood, the availability of other liquor-dispensing facilities, the local laws governing the sale of liquor, and any other local factors which have a relationship to the privilege requested.

(2) A fee will be charged for the issuance of such a permit, corresponding to that charged for the exercise of similar privileges outside the park area boundaries by the State government, or appropriate political subdivision thereof within whose exterior boundaries the place covered by the permit is situated.

(3) The applicant or permittee may appeal to the Director from any final action of the appropriate Regional Director refusing, conditioning or revoking the permit. Such an appeal shall be filed, in writing, within 20 days after receipt of notice by the applicant or permittee of the action appealed from. Any final decision of the Director may be appealed to the Secretary of the Interior within 15 days after receipt of notice by the applicant or permittee of the Director's decision.

(4) The permit for sale of intoxicating liquors shall contain such general and special conditions as the Regional Director may deem reasonably necessary to insure safe and orderly management of the park area.

(5) The permittee shall comply with all State and county laws and regulations, other than fee and license requirements, which would be applicable to the premises and to the sale and dispensing of intoxicating beverages if the privately owned lands were not subject to the jurisdiction of the United States.

§ 5.3 Business operations.

Engaging in or soliciting any business in park areas, except in accordance with the provisions of a permit, contract, or other written agreement with the United States, except as such may be specifically authorized under special regulations applicable to a park area, is prohibited.

§ 5.4 Commercial passenger-carrying motor vehicles.

(a) The commercial transportation of passengers by motor vehicles, except as authorized under a contract or permit

from the Secretary or his authorized representative, is prohibited in Bryce Canyon, Crater Lake (prohibition is limited to sightseeing tours on the Rim Drive), Glacier (prohibition does not apply to that portion of the park road from the Sherburne entrance to the Many Glacier area), Grand Canyon (prohibition does not apply to nonscheduled tours as defined in § 7.4 of this chapter), Grand Teton (prohibition does not apply to that portion of Highways Nos. 89, 187, 287, and 26, commencing at the south boundary of the park and running in a northerly direction to the east boundary of the park), Mesa Verde (prohibition does not apply to transportation between points within the park and outside points), Mount McKinley (prohibition does not apply to that portion of the Denali Highway between the Nenana River and the McKinley Park Hotel), Sequoia-Kings Canyon, Yellowstone (prohibition does not apply to nonscheduled tours as defined in § 7.13 of this chapter, nor to that portion of U.S. Highway 191 traversing the northwest corner of the park), Yosemite, and Zion National Parks, and Cedar Breaks National Monument. The following principles will govern the interpretation and enforcement of the section:

(1) Transportation is commercial if it is operated primarily as a business activity or for profit of the operator, or if any person or organization may receive a profit, commission, fee, brokerage or other compensation for organizing, advertising, promoting, soliciting or selling the trip or tour of which such transportation is a part.

(2) Transportation is commercial if payment therefor is made directly or indirectly to the operator: *Provided*, That bona fide sharing of actual expenses will not be deemed a payment.

(3) Transportation by a motor vehicle licensed as a commercial vehicle, or of commercial type, will be presumed to be commercial unless otherwise established to the satisfaction of the Superintendent or his authorized representative.

(4) Transportation will not be deemed commercial for the sole reason that the motor vehicle is chartered or rented in good faith to the operator, by the owner, for general use at a charge based upon time or mileage or both. Nothing in this section is intended to prohibit the operation of pleasure type automobiles rented without a driver on the normal terms from the owner.

(5) Subject to the provision of subparagraph (1) of this paragraph, transportation is not commercial if it is a part of a trip or tour initiated, organized, and directed by an established bona fide school or college, institution, society or other organization, as a nonprofit activity of such organization, and if all passengers are students, faculty, members, or employees of such organization, or otherwise connected therewith, provided that credentials are presented at the park entrance from the head of such institution or organization indicating the trip is in accordance with the provisions stipulated herein. Clubs or associations having as a principal purpose the arranging of tours, trips, or transportation for their members will not qualify for admission into the above-named parks under the provision of this paragraph.

(6) As used in this section, "owner" means the person or organization having legal title, or all the incidents of ownership other than legal title, of a motor vehicle by which passengers may be transported, and includes a registered owner or a purchaser under a conditional sales contract. "Operator" means the person, organization, or group that arranges for the transportation, assumes responsibility for financial risk and management, and determines who shall be transported upon what terms, conditions, or charges. The operator may be the owner, but need not be.

(b) Passenger-carrying motor vehicles, otherwise admissible, that are so large as to require special escort in order to proceed safely over park roads, or which in the judgment of the Superintendent are beyond the carrying capacity or safety factor of the roads, will not be permitted in the parks, except that, where they may satisfactorily enter and travel to park headquarters, they may be parked there during the period of stay. (5 U.S.C. 553; 39 Stat. 535; 16 U.S.C. 3) [31 F.R. 16660, Dec. 29, 1966, as amended at 34 F.R. 14212, Sept. 10, 1969]

§ 5.5 Commercial photography.

(a) *Motion pictures, television.* Before any motion picture may be filmed or any television production or sound track may be made, which involves the use of professional casts, settings, or crews, by any person other than bona fide newsreel or news television personnel, written permission must first be obtained

from the Superintendent, in accordance with the provisions of the special regulations contained in Part 5, Subtitle A, Title 43 of the Code of Federal Regulations.

(b) *Still photography.* The taking of photographs of any vehicle, or other articles of commerce or models for the purpose of commercial advertising without a written permit from the Superintendent is prohibited.

§ 5.6 Commercial vehicles.

(a) The term "Commercial vehicle" as used in this section shall include, but not be limited to trucks, station wagons, pickups, passenger cars or other vehicles when used in transporting movable property for a fee or profit, either as a direct charge to another person, or otherwise, or used as an incident to providing services to another person, or used in connection with any business.

(b) The use of government roads within park areas by commercial vehicles, when such use is in no way connected with the operation of the park area, is prohibited, except that in emergencies the Superintendent may grant permission to use park roads.

(c) The Superintendent shall issue permits for commercial vehicles used on park area roads when such use is necessary for access to private lands situated within or adjacent to the park area, to which access is otherwise not available.

§ 5.7 Construction of buildings or other facilities.

Constructing or attempting to construct a building, or other structure, boat dock, road, trail, path, or other way, telephone line, telegraph line, power line, or any other private or public utility, upon, across, over, through, or under any park areas, except in accordance with the provisions of a valid permit, contract, or other written agreement with the United States, is prohibited.

§ 5.8 Discrimination in employment practices.

(a) The proprietor, owner, or operator of any hotel, inn, lodge or other facility or accommodation offered to or enjoyed by the general public within any park area is prohibited from discriminating against any employee or maintaining any employment practice which discriminates because of race, creed, color,

ancestry, or national origin in connection with any activity provided for or permitted by contract with or permit from the Government or by derivative subcontract or sublease. As used in this section, the term "employment" shall include, but not be limited to, employment, upgrading, demotion, or transfer; recruitment, or recruitment advertising; layoffs or termination; rates of pay or other forms of compensation; and selection for training including apprenticeship.

(b) Each such proprietor, owner or operator must post either the following notice:

NOTICE

This is a facility operated in an area under the jurisdiction of the United States Department of the Interior.

No discrimination by segregation or other means in the furnishing of accommodations, facilities, services, or privileges on the basis of race, creed, color, ancestry, or national origin is permitted in this facility. Violations of this prohibition are punishable by fine, imprisonment, or both.

Complaints of violations of this prohibition should be addressed to the Director, National Park Service, Washington, D.C. 20240

or notices supplied him in accordance with Executive Order 11246 at such locations as will ensure that the notice and its contents will be conspicuous to any person seeking employment.

(c) This section shall be applicable on privately owned lands under the legislative jurisdiction of the United States.

§ 5.9 Discrimination in furnishing public accommodations and transportation services.

(a) The proprietor, owner or operator and the employees of any hotel, inn, lodge, or other facility or accommodation offered to or enjoyed by the general public within a park area and, while using such a park area, any commercial passenger-carrying motor vehicle transportation service and its employees, are prohibited from (1) publicizing the facilities, accommodations or any activity conducted therein in any manner that would directly or inferentially reflect upon or question the acceptability of any person or persons because of race, creed, color, ancestry, or national origin; or (2) discriminating by segregation or otherwise against any person or persons because of race, creed, color, ancestry, or national origin in furnishing or refusing to furnish such person or persons any accom-

modation, facility, service, or privilege offered to or enjoyed by the general public.

(b) Each such proprietor, owner, or operator must post the following notice at such locations as will insure that the notice and its contents will be conspicuous to any person seeking accommodations, facilities, services, or privileges:

NOTICE

This is a facility operated in an area under the jurisdiction of the U.S. Department of the Interior.

No discrimination by segregation or other means in the furnishing of accommodations, facilities, services, or privileges on the basis of race, creed, color, ancestry or national origin is permitted in the use of this facility. Violations of this prohibition are punishable by fine, imprisonment, or both.

Complaints of violations of this prohibition should be addressed to the Director, National Park Service, Washington, D.C. 20240.

(c) This section shall be applicable on privately owned lands under the legislative jurisdiction of the United States.

§ 5.10 Eating, drinking, or lodging establishments.

(a) No establishment offering food, drink, or lodging for sale on any privately owned lands under the legislative jurisdiction of the United States within Glacier, Lassen Volcanic, Mesa Verde, Mount McKinley, Mount Rainier, Olympic, Rocky Mountain, Sequoia-Kings Canyon, Yellowstone, and Yosemite National Parks may be operated without a permit obtained from the Superintendent. Such permit may include terms and conditions deemed necessary by the Superintendent to the health, safety, and welfare of the public and it may be revoked upon failure to comply with the requirements of paragraphs (b) and (c) of this section or the conditions set forth in the permit.

(b) Such establishment shall be maintained and operated in accordance with the rules and regulations recommended by the U.S. Public Health Service for such establishments, and the substantive requirements of State and local laws and regulations relating to such establishments, which would apply if such privately owned lands were not subject to the jurisdiction of the United States. In the event of conflict or inconsistency between such U.S. Public Health Service

recommendations and State or local laws, the former shall prevail.

(c) The Superintendent shall have the right to inspect such establishments at reasonable times to determine whether the establishment is being operated in accordance with the applicable rules and regulations and in accordance with the provisions of the permit.

§ 5.11 Impounding of animals.

(a) Animals trespassing in park areas may be impounded by the Superintendent and, if not claimed by the owner within the periods specified in this section, shall be disposed of in accordance with State statutes insofar as they may be applicable. In the absence of such State statutes, the animals shall be disposed of in accordance with this section.

(b) If the owner is known, prompt written notice of the impounding will be served upon him, and in the event of his failure to remove the impounded animal within five (5) days from delivery of such notice, it will be disposed of in accordance with prescribed procedures.

(c) If the owner is unknown, no disposal of the animal shall be made until at least fifteen (15) days have elapsed from the date that a notice of the impounding is first published in a newspaper of general circulation in the county in which the trespass occurs and is posted at the county courthouse.

(d) The owner may redeem the animal by submitting proof of ownership and paying all expenses of the United States for capturing, advertising, pasturing, feeding, impounding, and the amount of damage to any public property injured or destroyed by or through such trespass.

(e) In determining the claim of the Government in any animal trespass, the value of forage consumed shall be computed at the daily, weekly, monthly, or yearly commercial rates prevailing in the locality for the class animal found in trespass. The claim shall include the pro rata salary of employees for the time spent and the expenses incurred in and about the investigation, reports, and settlement or prosecution of the claim.

(f) If an animal impounded under this section is offered at public sale and no bid is received or if the highest bid received is in an amount less than the amount of the claim of the United States or of the officer's appraised value of the animal, whichever is the lesser amount,

such animal may be sold at private sale for the highest amount obtainable, or be condemned and destroyed or converted to the use of the United States if of value for that purpose.

§ 5.12 Memorialization.

The installation of any monument, memorial, tablet, or other commemorative installation in a park area without permission of the Director is prohibited.

§ 5.13 Nuisances.

The creation or maintenance of a nuisance upon the federally owned lands of a park area or upon any private lands within a park area under the exclusive legislative jurisdiction of the United States is prohibited.

§ 5.14 Prospecting, mining, and mineral leasing.

Prospecting, mining, and the location of mining claims under the general mining laws and leasing under the mineral leasing laws are prohibited in park areas, except as authorized by law.

§ 5.15 Residence on Federal lands.

Residing in park areas is prohibited, except in accordance with a permit or other written agreement with the United States authorizing such use, or by employees of the National Park Service.

§ 5.16 Trespass on Federal lands.

The running at large, herding, driving across, or grazing of animals of any kind on the public lands of an area, or the use of such lands for agricultural purposes, is permitted only under a valid lease, contract, or special use permit issued by the United States, or pursuant to law.

PART 6—MISCELLANEOUS FEES

Sec.

- 6.1 General.
- 6.2 Vehicles; miscellaneous.
- 6.3 Commercial passenger-carrying motor vehicles.
- 6.4 Trucking permits.
- 6.5 Motor vessel transportation.
- 6.6 Commercial fishing.

AUTHORITY: The provisions of this Part 6 issued under secs. 1 and 3, 39 Stat. 535, as amended; sec. 1, 47 Stat. 1420; 60 Stat. 885, as amended; sec. 2, 49 Stat. 606; 16 U.S.C. 1, 3, 9a, 17j-2, 462, and acts relating to the individual areas.

SOURCE: The provisions of this Part 6 appear at 31 F.R. 16662, Dec. 29, 1966, unless otherwise noted.

§ 6.1 General.

(a) The fees prescribed in this part for the operation of commercial vehicles shall not be applicable to vehicles institutionally owned or chartered carrying exclusively members of bona fide educational institutions when the trip to the area is officially initiated, organized, and directed by such institution for educational purposes.

(b) Park Superintendents may, when in the public interest, prescribe seasonal periods during which the collection of recreation or other fees prescribed for such area shall be suspended.

§ 6.2 Vehicles; miscellaneous.

(a) *Glacier National Park.* To promote the purpose of the Act of May 2, 1932 (47 Stat. 145; 16 U.S.C., 161a), Canadian dollars tendered by Canadian visitors entering the United States section of Glacier National Park will be accepted at the official rate of exchange in payment of the recreation fees prescribed for the park.

(b) *Yosemite National Park.* Motor vehicles driven or moved upon a park road in Yosemite National Park must be registered and properly display current license plates. Such registration may be with a State or other appropriate authority or, in the case of motor vehicles operated exclusively on park roads, with the Superintendent of the park. An annual registration fee of \$6 will be charged for vehicles registered with the Superintendent which are not connected with the operation of the park.

(5 U.S.C. 553; 39 Stat. 535; 16 U.S.C. 3) [31 F.R. 16662, Dec. 29, 1966, as amended at 32 F.R. 6399, Apr. 25, 1967]

§ 6.3 Commercial passenger-carrying motor vehicles.

(a) *Colonial National Historical Park; permits.* Permits issued by the Superintendent shall be required for the operation of commercial passenger-carrying vehicles, including taxicabs, carrying passengers for hire on any portion of the Colonial Parkway, Colonial National Historical Park. The fees for such permits shall be as follows:

(1) Annual permit for the calendar year: \$3.50 for each passenger-carrying seat in the vehicle to be operated.

(2) Quarterly permit for a period beginning January 1, April 1, July 1, or

October 1: \$1 for each passenger-carrying seat in the vehicle to be operated.

(3) Permit good for one day, 5-passenger vehicle: \$1.

(4) Permit good for one day, more than 5-passenger vehicle: \$3.

(b) *Great Smoky Mountains National Park; permits.* Permits issued by the Superintendent, and compliance with applicable State and Federal regulations, shall be required for the operation of commercial passenger-carrying vehicles, including taxicabs, carrying passengers for hire within the park. The fee for such permits shall be as follows:

(1) Annual permit for calendar year: \$1 for each passenger-carrying seat in the vehicle to be operated.

(2) Quarterly permit for a period beginning January 1, April 1, July 1, or October 1: 25 cents for each passenger-carrying seat in the vehicle to be operated.

(3) In addition to the permit required in subparagraphs (1) and (2) of this section, a guide permit issued by the Superintendent shall be required for each driver of a commercial passenger-carrying vehicle, including taxicabs, carrying passengers for hire within the park. Such a permit will be issued by the Superintendent upon a showing to his satisfaction that the applicant possesses adequate knowledge of the park's road system and points of interest, and has complied with all applicable State and Federal regulations. The fee for a guide permit shall be \$5 for the calendar year, or any part thereof.

(c) *Hot Springs National Park; permits.* Permits issued by the Superintendent shall be required for the operation of commercial passenger-carrying vehicles, including taxicabs, carrying passengers for hire over park roads for sightseeing purposes. The fees for such permits shall be as follows:

(1) Fleet operator; equipment that includes any combination of commercial passenger-carrying vehicles, including taxicabs. Calendar-year permit—\$25.

(2) Bus operator; equipment limited to a single bus-type vehicle with passenger-carrying seat capacity in excess of eight persons. Calendar-year permit—\$20.

(3) Taxicab operator; equipment limited to a single vehicle with a capacity of not over eight passenger-carrying seats. Calendar-year permit—\$12.

(4) The fees for permits issued for commercial passenger-carrying vehicle operations starting on or after July 1 of each calendar year will be one-half of the respective rates mentioned in subparagraphs (1), (2), and (3) of this paragraph.

(d) *Cape Cod National Seashore; permits.* Permits issued by the Superintendent shall be required for the operation of commercial passenger-carrying vehicles, carrying passengers for hire over sand routes on federally owned lands within the seashore as follows:

(1) Annual permit for calendar year: \$3 for each passenger-carrying seat in the vehicle to be operated.

(2) Annual guide permit for the calendar year, or any part thereof: \$5.

(5 U.S.C. 553) [31 F.R. 1662, Dec. 29, 1966, as amended at 33 F.R. 6711, May 2, 1968]

§ 6.4 Trucking permits.

(a) *Rocky Mountain National Park.*

(1) With reference to the permits that may be issued by the Superintendent, as stated in § 7.7 of this chapter, fees charged for trucking over the Trail Ridge Road shall be as follows:

Vehicle, 1 ton or less: \$2.

Vehicle, over 1 ton but not more than 2 tons: \$3.

Vehicle, over 2 tons but not more than 3 tons: \$4.

Vehicle, over 3 tons but not more than 5 tons: \$5.

Vehicle, over 5 tons but not more than 10 tons: \$10.

(2) The applicable fee shall be charged for the licensed capacity of a truck, trailer, or semitrailer.

(3) The fee charged is for one round trip, provided such trip is made in 1 day, otherwise the fee is for a one-way trip.

(4) No vehicle which has a gross weight, including vehicle and load, in excess of 10 tons, shall be operated or moved on the Trail Ridge Road.

(5) The fees provided in this paragraph shall also apply to special emergency trucking permits issued pursuant to § 5.6(b) of this chapter.

(b) *Yellowstone National Park.* (1) With reference to the permits that may be issued by the Superintendent, as stated in § 7.13 of this chapter, trucking fees for the use of park roads shall be charged as follows:

Emergency trucking between any two park entrances—Round trip permit fee: \$10.

Trucking between the north and northeast entrances:

Trucks with a capacity of $\frac{3}{4}$ ton, but with a capacity of not more than $1\frac{1}{2}$ tons—Yearly permit fee: \$20.

Trucks with a capacity of more than $1\frac{1}{2}$ tons—Yearly permit fee: \$40.

(c) *Yosemite National Park.* (1) The fees for special trucking permits issued by the Superintendent in emergencies pursuant to paragraph (b) of § 5.6 of this chapter shall be based on the licensed capacity of trucks, trailers, or semitrailers, as follows:

Trucks, less than 1 ton.

Trucks of 1 ton and over, but not to exceed 10 tons.

Appropriate automobile permit fee.

\$5 for each ton or fraction thereof.

(i) The fee charged is for one round trip between any two park entrances, provided such trip is made within one 24-hour period; otherwise the fee is for a one-way trip.

(ii) Trucks carrying bona fide park visitors and/or their luggage or camping equipment may enter the park upon payment of the regular recreation fees.

(2) The fee provided in subparagraph (1) of this paragraph also shall apply to permits which the Superintendent may issue for trucking through one park entrance to and from privately owned lands contiguous to the park boundaries, except that such fee shall be considered an annual vehicle fee covering the use of park roads between the point of access to such property and the nearest park exit connecting with a State or county road.

(3) No commercial trucks will be permitted on the Tioga Road except those used in connection with the activities of the U.S. Government, the State of California, or agencies operating under contract or agreement with the U.S. Government to render service to the public in the park, or trucks delivering supplies, materials, etc., to the U.S. Government, the State of California, or contractors or permittees in the park.

(d) *Zion National Park.* Vehicles exceeding certain size limitations must be convoyed over the park roads, as stated in § 7.10 of this chapter, for which a fee of \$5 per single trip will be charged for each vehicle or combination of vehicles. The convoy fee shall be in addition to the recreation fees.

(e) "Vehicle." The word "vehicle", as used in this section, shall mean truck, tractor, trailer, semitrailer, and/or any combination thereof.

(6 U.S.C. 553; 39 Stat. 535; 16 U.S.C. 3) [31 F.R. 16662, Dec. 29, 1966, as amended at 32 F.R. 6399, Apr. 25, 1967]

§ 6.5 Motor vessel transportation.

(a) *Isle Royale National Park.* (1) Transportation services between Houghton, Mich., and Isle Royale National Park, Mich., rendered aboard Government-owned vessels, shall be charged for at the following rates:

Personal transportation—one way: \$7.50; round trip: \$15.

Transportation of boats up to 14 feet in length—one way: \$5; round trip: \$10.

Transportation of boats over 14 feet but not exceeding 17 feet in length—one way: \$10; round trip \$20.

Transportation of boats over 17 feet but limited to 20 feet in length—one way: \$15; round trip: \$30.

Canoes—one way: \$5; round trip: \$10.

Outboard motors not attached to boat—one way: \$2.50; round trip: \$5.

(2) Personal transportation for children between the ages of 5 through 15, inclusive, will be one-half of the rates mentioned in subparagraph (1) of this paragraph for comparable service. No charge will be made for children under the age of 5. Family groups consisting of parents (or a parent) and children shall be entitled to a special group rate not to exceed three times the amount of the individual adult fee.

(3) The rates for personal transportation mentioned in subparagraph (1) of this paragraph include the transportation of usual hand baggage and camping gear not exceeding 100 pounds per person. Any baggage in excess of the 100 pounds per person allowance will be subject to an additional charge of \$1 per 100 pounds or any part thereof.

(4) Shipment of baggage, supplies and equipment by persons not traveling aboard Government-owned vessels shall be subject to a rate of \$1 per 100 pounds or any part thereof for a one-way shipment.

§ 6.6 Commercial fishing.

(a) *Isle Royale National Park.* In those cases where special use permits are issued in conformity with the provisions stated in § 20.2 of this chapter, permittees will be required to pay an annual fee of \$25.

PART 7—SPECIAL REGULATIONS, AREAS OF THE NATIONAL PARK SYSTEM

Sec.

- 7.1 Colonial National Historical Park.
- 7.2 Crater Lake National Park.
- 7.3 Glacier National Park.
- 7.4 Grand Canyon National Park.
- 7.5 Mount Rainier National Park.
- 7.6 Muir Woods National Monument.
- 7.7 Rocky Mountain National Park.
- 7.8 Sequoia and Kings Canyon National Parks.
- 7.10 Zion National Park.
- 7.11 Lassen Volcanic National Park.
- 7.13 Yellowstone National Park.
- 7.14 Great Smoky Mountains National Park.
- 7.15 Shenandoah National Park.
- 7.16 Yosemite National Park.
- 7.18 Hot Springs National Park.
- 7.19 Canyon de Chelly National Monument.
- 7.20 Fire Island National Seashore.
- 7.22 Grand Teton National Park.
- 7.23 Glacier Bay National Monument, Alaska.
- 7.24 Catcliff Mountain Park.
- 7.25 Hawaii Volcanoes National Park.
- 7.26 Death Valley National Monument.
- 7.27 Fort Jefferson National Monument.
- 7.28 Olympic National Park.
- 7.34 Blue Ridge Parkway.
- 7.36 Mammoth Cave National Park.
- 7.38 Isle Royale National Park.
- 7.39 Mesa Verde National Park.
- 7.40 Hopewell Village National Historic Site.
- 7.41 Big Bend National Park.
- 7.42 Pipestone National Monument.
- 7.43 Natchez Trace Parkway.
- 7.44 Mount McKinley National Park, Alaska.
- 7.45 Everglades National Park.
- 7.46 Katmai National Monument.
- 7.47 Carlsbad Caverns National Park.
- 7.48 Lake Mead National Recreation Area.
- 7.49 Oregon Caves National Monument.
- 7.57 Sanford Recreation Area, Tex.
- 7.58 Cape Hatteras National Seashore Recreational Area; hunting.
- 7.60 Grand Canyon National Monument.
- 7.61 Fort Caroline National Memorial.
- 7.63 Dinosaur National Monument.
- 7.66 North Cascades National Park.
- 7.67 Cape Cod National Seashore.
- 7.68 Russell Cave National Monument.
- 7.70 Glen Canyon National Recreation Area.
- 7.71 Delaware Water Gap National Recreation Area.
- 7.72 Arkansas Post National Memorial.
- 7.73 Buck Island Reef National Monument.
- 7.74 Virgin Islands National Park.
- 7.75 Padre Island National Seashore.
- 7.76 Wright Brothers National Memorial.
- 7.77 Mount Rushmore National Memorial.
- 7.78 Harpers Ferry National Historical Park.
- 7.79 Amistad Recreation Area.

AUTHORITY: The provisions of this Part 7 issued under secs. 1-3, 39 Stat. 535, as amended, sec. 1, 48 Stat. 315, sec. 1, 47 Stat. 1420,



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Washington, D.C. 20240

December 1, 1967

Instruction Memo No. 67-489
Expires 12-31-68

To: AFO's

From: Assistant Director, Resource Management

Subject: Hazards to the public on BLM sites

A recent memo from the California SD concerning the Calico Recreation Area requests a declaration of Bureau policy on hazards to the public—specifically in recreation areas. The Solicitor frequently has been queried on Government liabilities to public users. The basis of our liability in general is well stated by the enclosed excerpts from two Regional Solicitor's memos to us, December 17, 1965, and June 29, 1967.

Policy on Protection of the Public from Hazards on Bureau Sites.

In most cases, the Bureau encourages the public to use our facilities, whether in a designated recreation site, just a sanitation rest stop, or a wilderness trail. All field offices shall do the following as soon as possible:

1. Inspect all sites and areas used by the public. This should be done at local field office level by either the local Safety Officer or other qualified employees trained in the function involved in the site or area. An inspection report shall be made and filed, showing that the area now is believed to be safe, with any previous unsafe conditions corrected.
2. Note all hazards and recommend action to eliminate them.
 - a. In all areas, including BLM roads, fell all snags or rotten trees, remove "widow makers," stubs, etc., in recreation sites and near Bureau roads. Place warning signs for unremovable hazards and for traffic on roads. (See item 4a.)
 - b. On trails, keep clear of brush and obstructions under foot and use guardrails where dropoffs or steep inclines occur. Where practical, place a warning sign if the hazard still exists. (See item 4b.)
 - c. In mining areas, fill in abandoned shafts, tunnels, etc., where possible. Where mining claims will not permit this, place warning

signs (see item 4c) and barricades if practical. Inform mine owners of Bureau action and owner's liability in case of an accident.

- d. In water areas where swimming or boating, etc., is permitted, rope off swimming areas. Have separately marked boating areas. Designate by signs (see item 4d). Where swimming or boating is not permitted, indicate this by signs also (see item 4d). Remove all underwater hazards such as stumps, sharp rocks, dropoffs, etc., where practical.
3. Record all hazards and actions to eliminate them. This insures that the Bureau used reasonable care to protect the public user of its facilities.
 4. Post signs and other markers in conspicuous places.
 - a. Road signs. Post speed limit signs, warning signs for curves, steep grades, etc., restricted area signs, and direction and parking area signs.
 - b. Trail signs. Post direction signs, restrictive signs (such as for prohibiting motorbikes or horses), and warning signs such as "Steep Dropoff," "Trail Slippery When Wet," etc.
 - c. Mining area signs. For general coverage, post frequent signs such as "DANGER - Many uncovered mine shafts within 5 mile radius - DO NOT ENTER." For individual shafts or tunnels, post signs such as "DANGER - Deep Mine Shaft - DO NOT ENTER Unless Authorized by OWNER".
 - d. Water area signs. Where swimming is not permitted, post signs such as "Swimming Prohibited Here," or "DANGER - Underwater Stumps - NO SWIMMING." Where swimming is permitted, post signs such as "Swimming Permitted Within Roped Area," "Boats and Water Skiers Not Permitted in Roped Swimming Area," "Shallow Water - Do Not Dive Into," or "Deep Water - Nonswimmers Stay Out."

For boating and water skiing areas, post signs such as "Life Preservers Required for Each Boat Passenger," "Boat Speed Limit 5 m.p.h. in Dock Area," and "Water Skiers - Watch for Swimmers, Other Skiers, and Boats."
 - e. For drinking water, post prohibitive signs such as "Water Polluted - DO NOT DRINK." For other sanitation, post signs such as "Please DEPOSIT ALL REFUSE IN CONTAINERS."
 - f. For fire hazards, post signs such as "Open Fires Permitted Only in Designated Areas," "No Fires Permitted Except in Camp Stoves, or Fire Rings," "Fire Tools Here," and "Extinguish All Fires Before Leaving."

5. Observe good protection and sanitation rules, Place small fire tool cache in each designated recreation area. Provide containers, and remove all garbage and other refuse daily, if possible. Keep toilets clean and free of obstructions. Test drinking water frequently for possible contamination.
6. Observe all local, State, and Federal codes and laws on swimming, boating, sanitation, car traffic, and other hazards or restrictions.

These instructions and guidelines must be effected as soon as possible within manpower and fund limitations. Provide for this effort in future programs.

/s/ George L. Turcott
Acting

2 Enclosures

- Encl. 1 - Anchorage Regional Solicitor's Opinion
- Encl. 2 - Sacramento Regional Solicitor's Opinion

Distribution: (w/encls.)

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EXCERPTS FROM ANCHORAGE REGIONAL SOLICITOR'S
OPINION ON TORT LIABILITY (DECEMBER 17, 1965)

(Underscores by BLM)

Professor Prosser, an eminent authority on the law of torts, points out that the great majority of the courts now accept that the basis of liability to a visitor is not any economic benefit to the occupier of premises, but a representation to be implied when he encourages others to enter to further a purpose of his own, that reasonable care has been exercised to make the place safe for those who come for that purpose. Accordingly, many persons from whose presence no shadow of pecuniary benefit is to be found are held to be invitees, as for example, persons attending public lectures, college reunions, and members of the public making use of municipal parks and playgrounds, and state and federal property. Prosser, Torts 456-457 (2d ed. 1955).

Speaking more specifically of the liability of the "occupier," Professor Prosser observes:

The occupier is not an insurer of the safety of invitees, and his duty is only to exercise reasonable care for their protection. He must not only warn the visitor of dangers which he knows, but must also inspect the premises to discover possible defects. There is no liability, however, for harm resulting from conditions from which no unreasonable risk was to be anticipated, or those which the occupier did not know and could not have discovered with reasonable care

Likewise, in the usual case, there is no obligation to protect the invitee against dangers which are known to him, or which are so apparent that he may reasonably be expected to discover them and be fully able to look out for himself. Ordinarily nothing more than a warning is required. All of the circumstances, however, must be taken into account, and where the condition is one which the invitee would not expect to find in the particular place, or his attention is distracted by something on the premises, or the condition is one such as icy steps, which cannot be encountered with reasonable safety even though the invitee is aware of it, the jury may be permitted to find that obviousness, warning or even knowledge is not enough [Prosser, supra, at 459-460.]

We recommend that your personnel who are responsible for keeping recreational areas safe for use by the public, read the case of Smith v. United States, 117 F. Supp. 525 (N.D. Cal. 1953). This was an action against the United States for injuries to a minor plaintiff who was struck by a limb which fell from a tree in a campground owned and maintained by the Government. The court held that the Government owed a duty to plaintiff, as an invitee, to use ordinary care to eliminate dangerous conditions

in the campsite area which were apparent to the Government employees through their superior knowledge of dangers not obvious to invitees, and that the Government was liable for failure to perform such duties when the limb in question was visibly rotten and dangerous.

It would appear to be the duty of the United States, through its employees, to make periodic examinations, with reasonable care, for any conditions dangerous to life, limb and property of members of the public using BLM recreational sites and then to eliminate such dangerous conditions or give warning of their existence if they are not likely to be discovered by the invitees through the exercise of reasonable care on their part. Warning notices should be posted in conspicuous places where they are readily seen.

Any general warning signs to the public that the use of a particular recreation site is at their own risk would not relieve the Government from liability for injuries to the users which were proximately caused by the failure of Government employees to exercise ordinary care for the safety of visitors. Such signs might still have some value for reminding the public to proceed with caution and care

The tort liability of the United States in each individual case will present its own peculiar legal problems, so we suggest that you employ our services freely and regularly as each case arises.

/s/ Harry O. Arend
Regional Solicitor

EXCERPTS FROM SACRAMENTO REGIONAL SOLICITOR'S OPINION
ON PUBLIC DOMAIN DANGERS TO THE PUBLIC (JUNE 29, 1967)

At your request an inspection was made of a potential recreation area in the Riverside District where it was believed that old mining workings might constitute an unreasonable hazard to the users of camping area. Although campgrounds have not as yet been constructed in the Calico area, it is well known by the administrative personnel that the area is heavily used for recreation purposes, including camping. The BLM has recognized this use to the point of providing garbage cans in the camping area. They have further recognized the use, as we understand it, by now requesting funds to build permanent campground facilities. The area surrounding the actual sites used or contemplated for use of campgrounds is literally pock-marked from early-day prospecting. There are a great number of caves, tunnels, and pits within short distances of the camping areas.

As you know, the landowner or person in control of land owes a duty to persons who come upon his land. The highest or greatest duty owed is to an invitee and the least duty is owed by a trespasser. In between these two extremes there is a medium ground of duty which is owed to a licensee. Even as to a trespasser, a landowner has a duty to warn as to hazardous conditions which may constitute an entrapment where he has knowledge of these conditions. We doubt very much whether anyone on the public domain, other than under very special conditions, can be considered a trespasser. Certainly, we must consider the person using a camp area, developed or undeveloped, as an invitee. The landowner has the duty to correct or warn the invitee against any known hazardous conditions and to further make a reasonable inspection to discover defects not known. It would seem an unreasonable burden upon the Government to consider any person going upon the public domain at any point to be an invitee. Therefore, there must be some reasonable limit around specific areas where the public is clearly invited that places the public in the position of a licensee and, therefore, reduce the duty owed to the person by the Government.

It appears to us that, at least as to some of the persons, signs may provide the point at which the individual ceases to be an invitee. We, therefore, recommend that signs be placed at the limits of the campgrounds warning the public of the dangers in the surrounding area and defining the boundary of the campground. As to the area which we can reasonably believe the public is using in connection with the campground, it appears that we have a duty to correct or specifically warn of hazards which are known to the administrative personnel. This action may include the filling of shafts that are located in the middle of trails or the barricading of the shafts in such a manner that persons using the area will not accidentally fall in. In other areas which are not considered as dangerous it may be necessary to install permanent signs warning the public of hazardous conditions. We do not believe that it is possible to administer this type of land and completely eliminate the risk of liability, but on the other hand, we believe that the hazards can be reduced and that as a consequence the liability can be greatly reduced.

Even though there is a possibility that filling a shaft may give rise to liability to a mining claimant, the potential liability to the general public is far greater. It, therefore, appears that the risk of occasionally being required to dig out a shaft which has been filled is minor compared with the risk of responding to damage claims as a result of injuries incurred by members of the general public.

/s/ Charles R. Renda
Regional Solicitor
Sacramento Region

UNITED STATES DEPARTMENT OF THE INTERIOR - BUREAU OF LAND MANAGEMENT

PUBLICITY RECORD

Newspaper
and Location DAILY UNION DEMOCRAT, Sonora, Ca

Date of
Publication Oct. 22, 1970

Submitting Office Folsom District

DIMENSIONS DETAILED

MUSHROOM RISE IN FOREST CRIME

By MARK KAUTZ

A grim picture of mushrooming lawlessness in state and federal parks and forest lands was painted yesterday by those officials whose jobs it is to preserve them.

A call for federal and state funds to assist local law enforcement agencies in policing these areas was unanimously seen as at least a partial solution to the growing problem.

The scope of crime in the local national forests and parks was aired here in the first of a series of public hearings conducted by Assemblyman Gene Chappie.

Chappie said the meeting was called after receiving feedback from the general public on the "harrowing experiences" of last summer, particularly in Folsom state park and Yosemite.

Chappie expressed hope that further legislation or other action resulting in closer cooperation between federal, state and local governments will result from these meetings.

Representatives from Yosemite, Stanislaus and Eldorado national forests, Columbia State park, the U.S. Bureau of Land Management and supervisors from Tuolumne and Mariposa counties were on hand yesterday.

Sheriffs from Tuolumne, Mariposa, Amador and Calaveras counties and highway patrol were present, also.

Tom Hoots, district forest ranger at Pinecrest, outlined the problem there---showing that most violations occur in a one-square mile area around Strawberry reservoir.

In 1969, there were 740 law violations between Memorial and Labor days, Hoots told the gathering ---about twice as many as the year before. He said the first increases in crime were noticed in 1967.

Even more dramatic was the number of persons involved in violations. The year 1969 saw 589 visitors involved in incidents compared to 3,528 in 1970.

A breakdown showed 45 percent of these violators come from the Bay area; 30 percent from the central valley, and three percent locally.

Violations enjoyed a rapid increase between the hours of 6 a.m. and noon, said Hoots, with a slackening at lunch. The number of violations per hour peak in the early afternoon but remain at a high level until midnight.

About 50 percent of the violations involve automobiles or theft and vandalism.

With the exception of theft and vandalism where 41 percent of the violations were committed by adults, the overwhelming number of crimes involve juveniles.

Don Halsey, BLM protection officer, elaborated on the violations sustained on federal lands.

They ranged from deliberate polluting of water

and burning of picnic tables and signs to the stealing of all the toilet paper in one campground and demolition of an outhouse.

"About 90 percent of the visitors are cooperative," stated Halsey. "We once viewed violations as misadventures of good-intentioned visitors. But violations are growing substantially in frequency and volume. There is a growing neglect by the

SEE PAGE EIGHT

FOREST CRIME

FROM PAGE ONE

public in obeying posted rules."

"Except for fee collections, the BLM does not have the authority to enforce the rules governing recreation," Halsey continued. "There are no federal statutes applicable to BLM regarding murder, riots, disturbing the peace, panhandling or indecent exposure."

Halsey said the FBI investigates most federal crimes occurring on BLM land. Later, he stated the BLM must provide visitor protection as well as resources protection.

Dick Marks, staff park ranger at Yosemite, said more trouble as the July fourth rock-throwing incident can be expected next year unless the park staff is able to communicate with would-be violators this winter.

"We can't afford another July fourth," stated Marks. It cost the park an additional \$300,000 in law enforcement and caused an additional burden on the Mariposa county sheriff's office.

Marks expressed hope that an extensive communications network with local law enforcement agencies and a corps of mounted rangers will help stem the tide of lawlessness next summer.

Halsey saw a solution to the problem in two bills now before the U.S. Congress---a Senate bill that will provide the BLM with authority to enforce rules and make arrests and a House bill that will authorize the U.S. Forest service to receive in-lieu payments for contracting services from local law enforcement agencies.

Dist. Atty. Ernest Geddes agreed, viewing the problem as a matter for state government.

"We don't need any more laws," stated Geddes, "but what we do need is lots of assistance. The weekend influx of people draws the county enforcement agencies away from services that should be provided to local residents. It's a question of money and manpower."

Sheriff Miller Sardella said it cost his department an additional \$4,000 for 12,000 hours in extra deputy hours spent of forest service lands.

The only possible solution to the dollar dilemma was voiced by Ray Hunter of Sonora, director of the state department of parks and recreation.

Hunter suggested increasing fees for day recreationers as a means of supporting county law enforcement efforts on state and federal lands.

If not, he and others predict local residents will bear the burden of increased taxes.

UNITED STATES DEPARTMENT OF THE INTERIOR - BUREAU OF LAND MANAGEMENT

PUBLICITY RECORD

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Date of
Publication Oct. 29, 1970

Submitting Office Folsom District

**LAW ENFORCEMENT IN
RECREATION AREAS
INCREASING PROBLEM**

Sheriff Norman Garrett of Mariposa County reports attending two meetings in the past week regarding law enforcement in national parks and recreation areas and problems of mutual aid between national parks and county law enforcement bodies.

The first session was held October 21, called by Assemblyman Gene Chappie, in Sonora, the first of four sessions, in a study of law enforcement in state and federal parks and on other public lands, which is becoming an increasing problem in counties of small population and with a limited number of law enforcing personnel to handle the large influx of visitors.

Among the items discussed: Extra legal uses of public land by squatting, camping, and "pot" parties; growing incidence of theft, trespass and violence; possible need for additional training, equipment, laws to assist rangers and peace officers; problems of coordination between ranger officers and local peace officers.

Chappie hopes to better the problem of the skyrocketing use of public lands by the mass of law abiding public, by control of the increasing misuse by the comparatively few who are creating the problems.

Among those attending the meeting were Sheriff Martin of Amador Co., Sheriff Leach of Calaveras Co., Sheriff Sardella of Mono Co., Sheriff Garrett,

representatives of Yosemite National Park, Stanislaus and Yosemite Park, Stanislaus and El Dorado National Forests, Columbia State Park, U. S. Bureau of Land Management and Co. Boards of Supervisors.

This Wed. Sheriff Garrett was in Yosemite to attend a meeting regarding law enforcement problems concerning mutual aid between national parks and county law enforcement bodies.

This session was attended by representatives from the Park Service, Fresno and Madera Co. Sheriffs Dept. and Police Depts., Sheriffs from Tuolumne, Mono and Mariposa counties, Park Rangers and law enforcement officers of Yosemite.

Ranger Richard Marks conducted the meeting.

Fun-Seekers Leave Scars On Land

MERCY HOT SPRINGS, Fresno Co. — What one man and his motorcycle did in one afternoon of illegal playing will take Mother Nature and her helpers at least three years to repair if everything goes right.

Everything includes adequate rainfall to germinate grass seed, cool but not freezing weather to allow the seedlings to get a good start, minimum velocity winds which will not kick up sand and cut the seedlings off after getting a good start, late spring rains to gain growth and early fall rains to get things started again. And one other thing — no interference by man.

The problem, as viewed by US Bureau of Land Management officials trying to manage the delicate ecology on 33,000 acres of Panoche Hills, located at the intersection of Fresno, San Benito and Monterey Counties, is that abuse has been almost continuous for 100 years.

Current Pause

Harold Hunt, district manager, says BLM officials had no recourse when they closed the Panoche Hills to vehicle traffic last year, adding the area will remain "closed pending receipt of adequate management funds." These funds would be for fulltime personnel to be assigned to the bleak hill area for patrol, management and educational information functions.

"The tragic thing about the most recent problem is that only about 5 per cent of the users of the Panoche Hills facility are preventing everyone from using it," says Hunt.

He said only a few individuals misused the area and wandered off marked motorcycle areas, but damage is almost beyond repair.

Repair Work

During this respite from man's misuse, BLM range experts are busy trying to repair the damage, not only of the problems caused by motorcycles, but those of overgrazing by horses, sheep and cattle.

George Burma, range specialist for the BLM, explains something had to be done and equipment usually used to prepare seed beds and drill the seed into the beds just would not work on slopes in excess of 30 per cent. And these steep slopes were a favorite target of motorcycles.

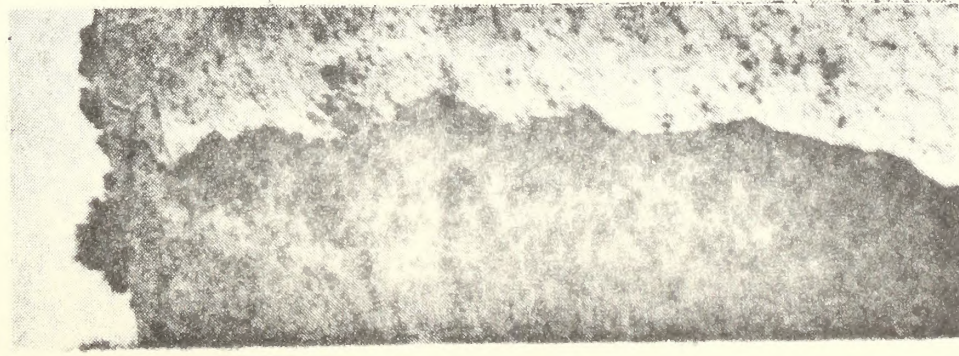
So a new technique, a ball and chain pulled by a bulldozer, is used to clear the brush to prepare for seeding.

Viewed Trials

Burma was among a crowd of some 250 ranchers who watched the ball and chain at a demonstration last summer and saw that it did not work well unless it had at least a 25 per cent slope. That gave him the

THE SACRAMENTO BEE, Friday, February 26, 1971

Motorcycles started this gully track on a hillside slope on the US Bureau of Land Management's Panoche Hills holdings despite all attempts by officials to hold them out. The area was finally closed to all vehicular traffic.



The ball and chain method of crushing brush was demonstrated last summer on hillside slopes near Hollister, San Benito County. The technique, checked out by BLM range specialist George Burma, will help establish and cover seed beds on the slopes.

Bee Photos

test some dryland grasses. Dr. Donald Cornelius, US Agricultural Research Service agronomist, found that Trigo pubescent wheatgrass and Harbinger medic could survive in the area. Burma combined these with Blando brome to add to the ball and chain prepared seed beds.

Sacramento, California

idea of using the ball and chain as a plow.

"Slopes with good top soil were easy to handle with this type operation," explains Burma, "but the poor soils on south slope hillsides were a lot tougher."

The ball and chain experiment also is being used to

26, 1971



Crush Of Campers, Hikers Threatens Wilderness State Of Desolation Valley

By Donald F. Murtha

Bee staff writer

ECHO LAKE, El Dorado Co. — Air and water pollution, littering, overcrowding and vandalism are urban problems that would seem inapplicable to an area officially designated as a wilderness.

But the US Forest Service is coming face-to-face with ecological ruin in Desolation Wilderness, a vast Northern California area set aside as a remote sanctuary from civilization.

Unspoiled?

The 63,600-acre wilderness, located west of Lake Tahoe on both sides of the Sierra Nevada crest in the Eldorado National Forest, was established by Congress last year. Under provisions of the 1964 Wilderness Act, the land is to be preserved in a wild and unspoiled condition.

In Desolation Valley, nature's stillness is broken only by an occasional airplane high overhead. The noisome internal-combustion engine is strictly excluded: No four-wheel-drive vehicles or trail bikes may enter and even gasoline-powered chain saws are barred. Rarely, a helicopter is permitted to land to handle an emergency.

There are 80 lakes clear as glass and as pure as rain.

Lush grass carpets open meadows even when the foothills below are parched and brown. Wild flowers are flecks of color in the green fields.

Only On Foot

The only way into this pristine land is by foot or horse. And those who enter are required to cart out all the undestructible trash they create.

But, despite the rules, Desolation Wilderness already is losing the battle against human waste, litter and careless destruction.

One of those most concerned with man's devastating enjoyment of the Desolation Valley area is Jim Olsen, ranger for the Lake Valley District of the Eldorado National Forest. A large portion of the wilderness comes under his supervision.

People Jams

"This is not wilderness," he said, standing on a ridge overlooking Lake of the Woods, where campers were tent-to-tent on the shore. "This is not what Congress intended."

That day, more than 500 hikers had registered at the Echo Lake entrance to the wilderness. More hikers entering through a dozen other accesses brought the esti-

mated total into the thousands for the day.

"On weekends, people are bumper-to-bumper on the trail," Olsen said.

Visitors are tallied in visitor-day units: One person staying 12 hours. In 1967 the Forest Service counted 48,000 visitor-days in Desolation Valley. By 1969, the tally had increased to 73,500 visitor-days, an average annual increase of 25.5 per cent.

Conservative projections indicate that with no access restrictions there will be an increase of 15 per cent annually in visitor-days. By 1980 there will be 200,000 visitor-days annually.

Trash

During the summer, the Forest Service assigns two wilderness rangers to tramp through the area assisting campers, maintaining trails, watching for wildfires and picking up trash. Each of them gathers at least one burlap sack of cans and other trash every day.

Every two weeks a Forest Service mule train comes through to pick up the burlap sacks. By the end of each summer, the Forest Service has hauled out three tons of trash brought in by hikers.

"If we didn't have wilderness rangers, the place would be piled with junk so deep you couldn't pick your

way through it. That is an exaggeration, but if we left it to the people to haul out their own junk — well, we could call it Devastation Valley."

"And we have a sanitation problem, too. I can stand in some places and smell it."

Green Going

"If we checked the nutrient level of Lake of the Woods we might be surprised, but we haven't come to that yet."

The traffic in hikers has trampled out lush, green grass in large masses around many lakes, leaving bare dust and rock. Trees and shrubs are dying off from compaction of the soil. Misused trails have begun to erode into deep gullies.

Part of the problem is that the public has such easy access to Desolation Wilderness. It lies just north of US 50 and just west of California 89. It is within two hours drive of Sacramento and 3½ hours of the bay area. For thousands of summer-home owners and tourists in the Lake Tahoe area, the wilderness is a 20-minute drive at most and the nearer lakes are only a three-mile walk, an easy one-day excursion.

"Desolation Wilderness is too available, too pretty, too nice," Olsen said.

"Those portions that have

See page B5, Col. 1



James Olsen, US Forest Service district ranger, examines an old stump, damaged by chopping, in which a nail has been driven by a heedless hiker.

Foresters Seek Way To Preserve Wilds

From page B1

easy access are crowded. They are not wilderness any more."

The question arises, what should Desolation Wilderness be: A true wilderness or a recreational area for masses of hikers?

"If what we want is to give a lot of people a camping or recreation experience, than this should not be a wilderness," Olsen pointed out. "Wilderness implies that a place is wild and as wilderness what we have is unacceptable."

"The situation as it exists now is a threat to the wilderness. But what do we do, put up a fence?"

If the overuse of Desolation Wilderness continues, Olsen asserted, the lakes will become polluted with sew-

age, the grass and flowers will be trampled out, trees will die and the natural beauty of the valley will be gone forever.

Olsen likened the situation in Desolation Wilderness to that of Lake Tahoe, for which he also has been fighting for several years.

"We have allowed overdevelopment of Lake Tahoe and now it has gone beyond our control," he said. "What we have in Desolation is a miniature of Lake Tahoe. But with one exception: We have total control. All we have to do is come up with the money to do the job."

But limiting use and access to an area the size of Desolation Wilderness is a monumental job.

"Do you realize what an administrative problem it

would be? Hiring enough people, setting priorities and finding the money?" he exclaimed. We are limited in what we can do."

Several measures have been proposed to limit use of the wilderness. But the most drastic action taken so far is the limiting and withdrawal of services to campers.

Changing Direction

"We are changing direction to bring about less use," Olsen explained. "We want to at least bring things back to tolerable levels."

A few years ago the Forest Service began to put in stone fireplaces, iron cooking grills and outdoor toilets. Now all of the fireplaces have been removed and only one outdoor toilet remains at Lake Aloha.

There was a suggestion that trail maintenance be discontinued. But Olsen said that would increase damage by erosion and would not limit the use of the trails.

"Whatever we do we will have to do it right," Olsen said. "It will take men and money and they will be used to deny the public recreational activities. For that there will have to be enough people who care about the wilderness to get any action."

"What we want is to allow only those activities that will not damage the wilderness environment. Maybe the only way we can do it is by issuing permits."

The National Park Service has begun limiting access in another popular area, Yosemite National Park. The measure won favor from a large segment of the public

which preferred limited access to maintain the beauty of the area rather than uncontrolled use that would destroy it.

"We have another lever in Desolation wilderness, if it ever comes to that," Olsen pointed out. "Most of the lakes here drain into Lake Tahoe and are assumed to be pure. We are going to have to do something for the sake of Lake Tahoe."

There has been some discussion of an entry-permit system that would begin in 1971. The permit would be issued in the same manner as a fire permit, without charge or limitation.

The Forest Service would take advantage of this public contact to distribute notices on packing out trash, campfire limits and other rules.

By 1973, the permit system would be tightened to the point where permits would be issued by reservation only to a limited number of hikers. Some Forest Service officials believe this would give greater control over damage and pollution.

Major Obstacle

But public acceptance of such limited use of public land is a major obstacle. The hope is that conservation organizations, such as the Sierra Club, would back the plan.

"We've been saying for years the world is going to hell in a handbasket and people call us alarmists," Olsen said.

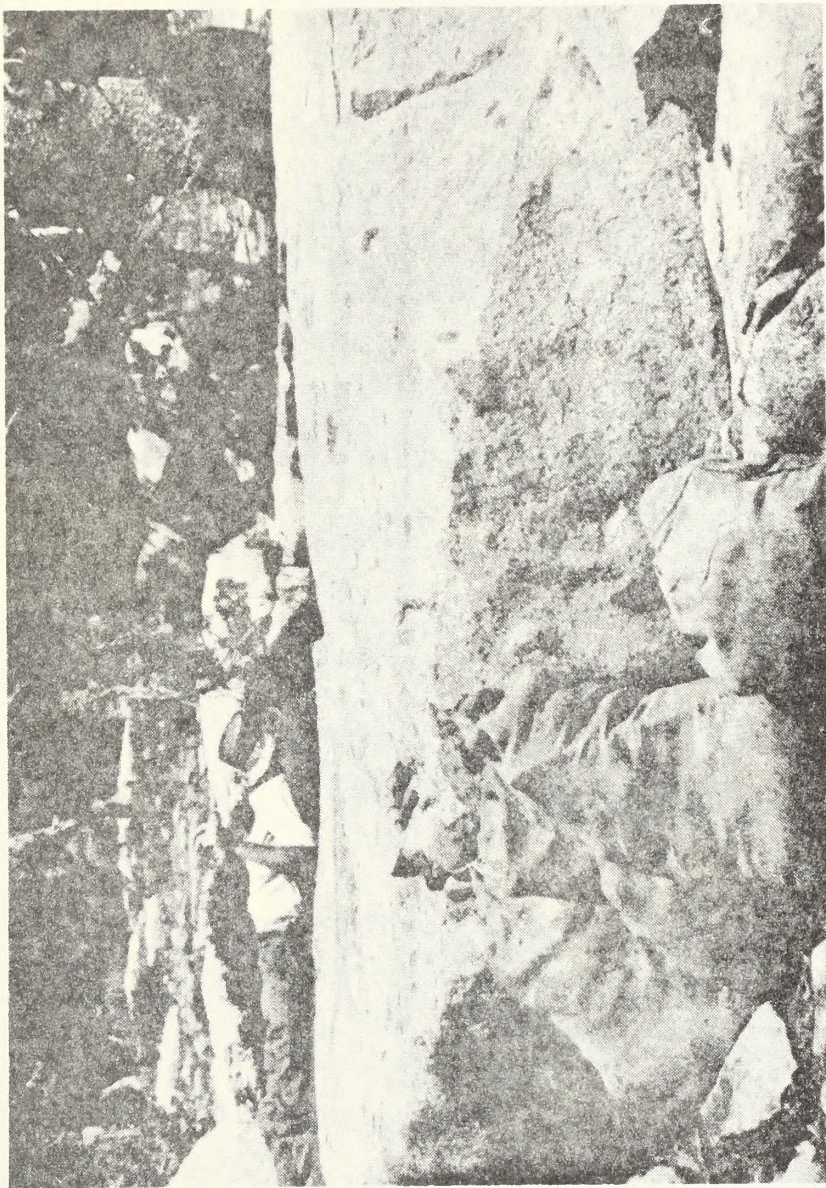
"But the public has to decide whether there should be a wilderness or simply a recreation experience for masses of people. It's as simple as that."



Wilderness Litter

Rusty cans and broken-necked bottles are evidence of some hiker's carelessness.

Bee Photos



A dozing hiker, oblivious to the sacks of trash below him, is symbolic of the general public apathy towards man's

pollution of Desolation Wilderness, west of Lake Tahoe. Rangers fear heavy use of the area will make it

impossible to keep it "wild and unspoiled" as provided in the 1964 Wilderness Act. Tons of trash are labori-

ously carted out of the "wilderness" annually.

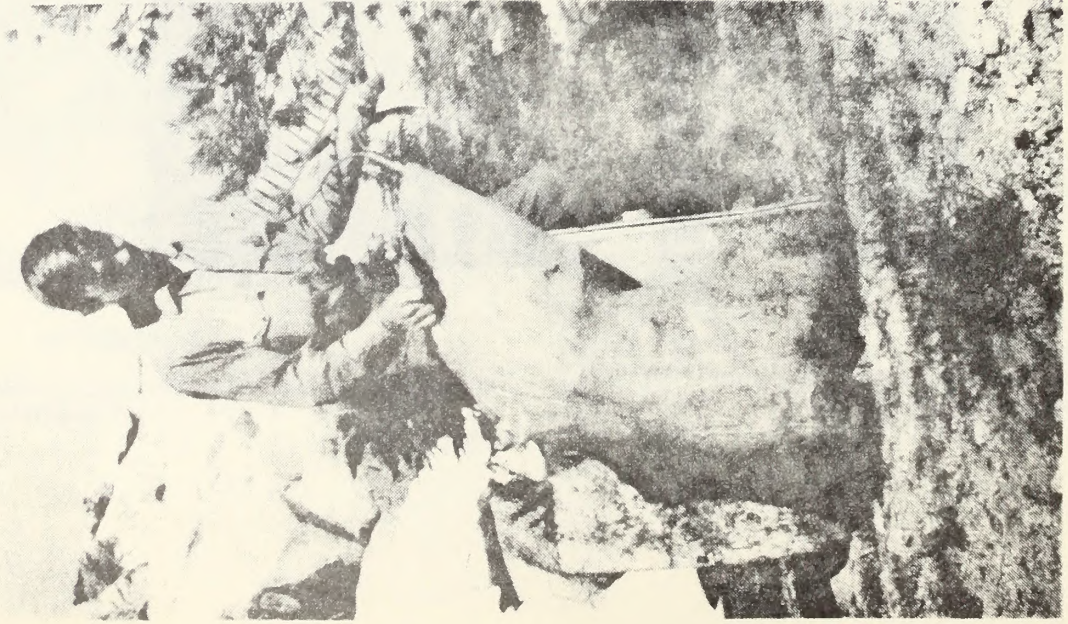


Getting ready to enter Desolation Wilderness, hikers stuff their packs with candy bars and other snacks at

an Echo Lake resort. Easy access brings thousands of hikers into the wilderness area each week during

the summer season.

Bee Photos



Glenn Sutton, wilderness ranger, walks an average of 11 miles daily assisting campers and picking up trash.



Although hikers are required to tote out their own trash, rangers must use pack trains to clear out what is left behind.



Canvas Slum?

On weekends in Desolation Wilderness, hikers camp tent-to-tent, particularly around the more accessible

lakes. There are no public comfort facilities and sometimes the odor of human waste is noticeable.

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July 1964

UNITED STATES DEPARTMENT OF THE INTERIOR - BUREAU OF LAND MANAGEMENT

PUBLICITY RECORD

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Submitting Office Folsom District

State, Federal Funds Needed To Police Parks, Chappie Says

The necessity for the State and federal governments to provide funds for the proper policing of public recreation areas such as Folsom Lake State Park and those connected with the upcoming Auburn Dam Reservoir has been stressed by Assemblyman Eugene A. Chappie.

The veteran legislator also called for the inauguration of mutual aid pacts - and the strengthening of existing ones - among law enforcement agencies in the resort regions. Such agreements allow local sheriff's deputies and highway patrolmen to assist in the policing of problem areas.

Chappie indicated he will propose legislation to these ends, which might even include permission for State park rangers to carry "protective devices."

He reached this conclusion after conducting a series of

hearings on police problems on public lands. One such hearing was held in Auburn last week and was attended by Lt. Arthur Ables of the Placer County Sheriff's Department, Sheriff Ernest Carlson of El Dorado County, and representatives of the U. S. Forest Service, the U. S. National Park Service, the U. S. Bureau of Land Management, the U. S. Bureau of Reclamation and the State Division of Beaches and Parks.

"Each of these agencies needs a set of guidelines for proper law enforcement," said Chappie. "They also need the proper funding in order to provide adequate protection of the lives and property of citizens."

He said this is particularly true in the case of sheriff's departments. "It might be that the time has come for the State to contract with these sheriff's offices for the regular assign-

ment of personnel to these areas," he declared. "But such contracts mean money, and I want to see that such funding is available when needed."

Route		Initial	Date
1	DM		
2	DIV RIA	11-5	REU
	DIV O		
	DIV A		
3	AM I	PB	11-6
4	AM II	Φ	11-10
5	AM III		
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Return to: _____			

UNITED STATES DEPARTMENT OF THE INTERIOR - BUREAU OF LAND MANAGEMENT

PUBLICITY RECORD

Newspaper
and Location THE MODESTO BEE, Modesto, Ca.

Date of 10/22/1970
Publication Oct. 22, 1970

Submitting Office Folsom District

Probe Focuses On Crime In The Wildwoods

By Julian Fein

SONORA — The operation of federal and state parks and forests is becoming increasingly difficult because of heavy usage accompanied by major increases in crime, violence and vandalism.

Extraordinary and often expensive counter measures have been taken by some agencies but still the situation is expected to worsen.

The problems may be solved

in the long run by intensive education but what is needed immediately is additional funds for law enforcement. Federal and state personnel should be used to ease the burden on counties already paying for police problems they did not create.

Such was the somewhat gloomy picture painted yesterday by state and federal recreation specialists plus officials from the counties of Tuolumne, Mariposa, Calaveras and

Amador at a hearing in Sonora on law enforcement problems on public land.

Will Continue

Conducted by Assemblyman Eugene Chappie, 6th District, the hearing will continue tomorrow at Mammoth Lake, Wednesday at Auburn and conclude Oct. 29 at South Lake Tahoe. Chappie, whose district consists of 11 Mother Lode counties with heavy outdoor recreation use, said the feasibility should be

studied of placing Folsom State Park rangers on horseback to deter crime there. As Chappie put it: "Maybe we need the mountain cavalry at Folsom State Park too."

Chappie's suggestion came after Richard Marks, Yosemite National Park ranger, described the use of a mountain patrol started in the park after a July 4 riot by juveniles.

Marks said the use of 10 rangers mounted on horseback was

successful, but expensive. Yosemite also put on 65 additional rangers after the July 4 confrontation and spent an extra \$300,000 on law enforcement measures through Labor Day.

Future Dim

"The future is not bright," Marks said, because all indications point to trouble making groups planning to converge on the Yosemite Park next year. "We have to come up with some answers because the park ser-

vice does not have the funds to continue such expensive law enforcements."

Ray Hunter, chief deputy director of the State Department of Parks and Recreation, reported that an enforcement specialist has been added to each of the six district offices to work out crime prevention policies in state parks.

Park rangers and their assistances, Hunter reported, are encouraged to take professional

training courses in law enforcement sponsored by the Commission on Peace Officers Standards and Training. Police and Sheriff Departments throughout the state use similar POST courses as a basis for promoting officers.

A report from the Bureau of Land Management indicated considerable damage to facilities on more than 11 million acres it administers in this state. There also was an upswing in crime caused by 10 per cent of the visitors to BLM areas.

More People

Tom Hoots, Pinecrest District ranger for the Stanislaus National Forest, reported a major increase in people caused problems in his district, which has 1 million visitors day use annually.

Hoots said that 740 incidents have been logged so far this year, mostly in the summer, compared with 160 last year. This year 3,528 people were involved compared with 589 last year. Most of the incidents in-

volved juveniles, Hoots reported.

Law enforcement officials were surrounded by an angry mob Memorial Day at Pinecrest Lake, he said, but managed to make arrests without violence starting.

Hoots reported that without the cooperation of the Tuolumne County Sheriff's Office, it would have been impossible to handle all the troublemakers.

Tuolumne County Sheriff Miller Sardella said extra deputies were added in the summer to patrol Pinecrest.

Marks said Yosemite National Park appreciably added to the workload of the Mariposa County Sheriff's Office.

Chappie said he may ask the State Legislature to adopt a resolution calling on the president and the Congress to appropriate money to help counties police state and federal recreational areas. Rep. Harold Johnson, 2nd District, and Rep. B. F. Sisk, 16th District, have introduced such bills.

Minibiker Killed In Truck Crash

**Boy, 9, Drives
Between Campers
To Hit Vehicle**

BRAWLEY — A 9-year-old minibike rider was killed when he collided with a truck and trailer about 8 a.m. yesterday on state 78, 28 miles east of here.

The victim, Dennis M. Huffman, son of Mr. and Mrs. Charles Huffman, of Yorba Linda, drove the late model minibike between two campers parked on the south side of the highway into the path of an east-bound semi-trailer, driven by Gerrit R. Hubbling, 44, of Long Beach, according to California Highway Patrolman Robert Polzin.

The CHP officer said the youngster and his family were camping in the area. The victim had been driving the vehicle in the desert area prior to the accident.

He was pronounced dead at the scene by Dr. M. J. Van Derhoff of Norwalk, according to Deputy Coroner Michael Campbell.

Bill Widens Authority of Officers

A bill by Assemblyman Kent H. Stacey, R-Bakersfield, to allow federal peace officers to enforce state laws on federal reservations has been passed by both houses of the legislature and is awaiting signature by Gov. Ronald Reagan.

The bill, AB 1475, was introduced at the request of the China Lake Police Department, which complained of inadequate federal laws dealing with the federal reservation lands at the Naval Weapons Center near Ridgecrest.

Stacey's bill classifies the federal officers as California peace officers, enabling them to enforce state laws.

Our Parks: Beauty, Danger

WASHINGTON (AP) — On June 28, 1970, James and Amy Hecht stood amid the natural wonders of Yellowstone National Park and watched in horror as their nine-year-old son Andy was killed.

The Hechts had just seen Old Faithful erupt and strolled with a crowd of other tourists to one of Yellowstone's famous thermal basins where pools of water boil up from the depths of the earth.

As Andy stepped onto the circular wooden board walk around the rim of Crested Pool, a gust blew a cloud of steam into his face. Momentarily blinded, he stumbled off the into the pool.

THE WATER temperature in Crested Pool was over 200 degrees. Andy died in seconds.

The youngster was one of 165 park visitors killed last year in accidents. While that figure was down from the high of 182 in 1970, it illustrates a growing problem as increasing numbers of Americans jam the national parks for summer vacations.

If this is a typical year, 175 vacationers will die in accidents, and another 5,000 will be seriously injured.

The Park Service, while moving to improve safety measures, notes that the death and injury figures last year were but a fraction of the 167 million visitors. Still it concedes major defects in its safety program, most of which have been called to public attention by James Hecht, a research chemist from Richmond, Va., who has pursued an unrelenting campaign for park safety since the death of his son.

A Park Service study done after Andy's death showed that wind currents frequently blew steam clouds over the Crested Pool boardwalk. Yet there were no guardrails and the only warning was a sign which read, "Stay on Walk," a warning that Andy observed.

"That sign that said, 'Stay on Walk,' wasn't worth much either. It implies that if you do stay on the walk there is no danger."

The Park Service concedes that visitors often encounter hazards they do not understand which are not forcefully communicated to them.

One of the better known park dangers is from wildlife, yet every year several hundred park visitors are injured by park animals, particularly bears.

"**THE TELEVISION** series, 'Gentle Ben,' was the worst thing that ever happened to us," said John Hast, chief Park Service safety officer. "People saw this big loveable bear on television and when they see a bear in the park I guess they think it's the same one. They don't realize how wrong they are until they're bleeding."

The Park Service all but ended bear maulings in the Smokey Mountains by imposing heavy fines on anyone caught feeding or molesting the animals. When people stopped feeding the bears, the bears stopped approaching the people.

After Andy Hecht's death and injuries to several other persons in thermal pools last year, the Park Service erected guardrails around some pools in Yellowstone. Warning signs were changed from "Stay on Walk," to "Hazardous Thermal Area. Boiling water. Unstable ground. For your protection stay on designated trails."

But most of Yellowstone's 10,000 thermal pools, mud pots and geysers remain unguarded. Scenic mountain overlooks with inadequate safety railings are danger areas at Yellowstone and elsewhere.

Along the Grand Canyon rim, some railings have gaps large enough for a child to crawl through. Last summer, a child slipped through a faulty wire fence and would have fallen had his mother not been holding his hand.

Among steps taken or contemplated to improve safety:

- ✓ The Park Service has asked Congress to authorize funds for six additional full-time safety officers, one for each park region. A House appropriations subcommittee has approved the request and, in addition, has told the Park Service to take \$125,000 from some other section of its fiscal 1972 budget and apply the money to improving park safety.

- ✓ A committee has been established to review publications and literature available to the public to determine, among other things, if they provide adequate warnings of park hazards.

The Wilderness: Just How

ERIC JULBER

There is a type of nature-lover I call the "purist-conservationist."

His chief characteristic is that he is against everything. He is against crowds. He is against restaurants, filling stations, overnight accommodations, ski lifts, ice rinks, and especially roads.

The purist has very strong ideas about who deserves to enjoy natural beauty. Ideally, the purist would reserve beauty for those who are willing, in ascending order of purity, to walk, hike, climb, crawl or cliff-hang to achieve it.

The purist believes that those who do not agree with him desire to "rape" the landscape, a favorite phrase whose significance in purist mythology I shall leave to Freudian psychologists.

Once I was a purist.

Yes, I, too, staggered through the wilderness, my 50-pound pack on my back, achieving virtue with every upward step (and permanently compressing the discs in my spine).

I, too, struggled to the top of Mt. Whitney, there to think beautiful thoughts.

Eric Julber is a Los Angeles trial lawyer and an occasional free-lance writer.

I, too, hiked the length of the John Muir Trail, glorying in its beauty and feeling vastly superior to the rest of humanity. (Being a purist at the time, I did not stop to think that the rest of humanity could not, as a student could, take a whole summer off to hike 200 miles, and that very few people are in physical condition to backpack for eight weeks at 10,000 feet, even if they had the time.)

And even in later years, when the press of law practice kept me physically away from the wilderness, in spirit I remained a purist. Keep those roads and crowds out, I said!

But no more.

Recently, for the first time in my life, I made a trip to Switzerland. That was the end of my purist ethic. What I saw in Switzerland made an unbeliever out of me.

The most amazing thing about Switzerland was not its natural beauty—I was prepared for that, having seen pictures of it for years

(and the reality lives up to the pictures, I might add, which is rare these days)—but rather the fact that I discovered that virtually every part of Switzerland was accessible, was thoroughly used by people of all shapes and ages, and was in fact exploited to the ultimate.

Switzerland is criss-crossed with roads, some in use since Roman times; its mountain valleys are heavily grazed and farmed; hotels and restaurants are everywhere, even on the tops of some mountain peaks. Where the automobile cannot go, railroads will take you; and when the going gets too steep for the cog-wheel trains, you catch an aerial tramway, suspended on a wire.

Many of the most remarkable view-points are accessible by some type of comfortable transportation, so that all over Switzerland people sit on restaurant patios, 10,000 feet high, eating pastry and admiring nature—and they got there without walking.

(And when I say people, I mean lots of them, for tourism is Switzerland's primary industry. When the summer tourists leave, the skiers move in to the same facilities.)

Wild Should It Be?

Los Angeles Times
Opinion

Interpretation
Perspective; News in Review
Editorials
SECTION H
SUNDAY, DEC. 6, 1970

In short, Switzerland, in theory, is everything the purist in America despises. It is roads, rails, restaurants, hotels, crowds and filling stations. It is beauty made easy. It is comfort. It is climbing without suffering.

By purist standards, Switzerland has been raped.

But our purists, in their endless sermons, never mention Switzerland. Why not? Why aren't they weeping bitter tears over that poor denuded landscape? Why no finger-pointing to this horrible example, with stern warnings that This Could Happen Here?

Why not? Because it would be ridiculous. Because Switzerland is beautiful, and its comforts add to its charm. And most of all because

Switzerland is the living refutation of the purist ethic.

The purist ethic says: Keep people out. The Swiss ethic says: Invite them in, the more the better.

The purist says: Only the strong deserve to see beauty. The Swiss say: Let the strong climb if they choose, but let the children, the aged, the hurried, and the just-plain-lazy ride.

(There are, of course, purists in Switzerland, too. They climb all day to get to the same spot everyone else has taken a tram to get to.)

The purist says: Beauty should be won by struggle, not by a ride in an aerial tram. I, who have now done it both ways, say: My thoughts were

Please Turn to Page 2, Col. 3

The U.S. Wilderness: Just How Wild Should It Be?

Continued from First Page

just as beautiful on top of the Schilthorn (elev. 9,748 feet, restaurant lunch of fondue, wine, strawberry pastry and coffee; reached by 30-minute tram ride) as they were on top of Mt. Lyell in Yosemite (elev. 13,090 feet, lunch of peanut butter sandwich; reached by two-day hike).

It is time to junk the purist ethic; our adherence to it is causing us to starve for recreational facilities in the midst of plenty, much as Hindus starve but will not eat the sacred cows which wander all around them.

Let me go further. Let me make some specific suggestions for greater use of our natural beauty, using some examples from our Far West:

1—Provide access to the John Muir Trail.

This trail traverses 200 miles of mountain grandeur, running from Mt. Whitney to Yosemite. Its southern end is just 200 miles from Los Angeles, its northern end just 200 miles from San Francisco. But for all practical purposes, it is inaccessible, for no roads touch it except at its two ends; to reach its most beautiful sections one must hike over mountain passes averaging 10,000 feet, and there are no supplies available on the trail so one must backpack up to four weeks' worth.

★

This stupid state of affairs results in a situation where, to cite just one example, in California we have children who in their whole lives will never see, or jump upon, or slide down, a glacier. To them, a glacier will always be "a body of perpetual snow, found largely in Alaska or in Switzerland."

Yet, along the John Muir Trail there are active glaciers (37, according to the Sierra Club Guide) waiting to be gazed upon and slid upon by children with sleds, even in mid-summer. If the purists continue to prevail, however, California child and California glacier will never meet.

Why not install aerial tramways at three or four locations from the Owens Valley to the John Muir Trail, crossing at points such as Kearsarge Pass, Bishop Pass and Piute Pass. All these are within easy

driving distance of Los Angeles. An hour after arrival at the tramway base, a family could be up in a land of peaks, alpine meadows, glaciers and lakes by the dozens, to stay for a few hours or to hike and camp for days or weeks. Or, in winter, to ski in an incomparable setting.

★

2—Put an aerial tramway in Grand Canyon.

The visitor to Grand Canyon cannot get from the South Rim to the North Rim (a distance of 10 miles) without driving 300 miles around, and he cannot get to the bottom of the canyon except by foot or muleback.

So the visitor is stuck. All he can do is stand on the rim and look, as at a picture.

I would install an aerial tramway in an inconspicuous fold of the canyon, so that visitors could ride from the South Rim to the bottom (the most interesting part of the canyon) and from the bottom to the North Rim, thus getting a feel for its immense depths and not just gazing as at a picture postcard.

3—Put a hotel and restaurant on top of Half Dome.

The top of Half Dome, in Yosemite, is an area of many acres of flat granite, 8,852 feet high, with spectacular views of the High Sierra and

Yosemite Valley. It can be reached only by an arduous climb up its backside, during the last of which the climber must hold on to steel cables installed many years ago (by nonpurists, obviously. Yet the purists never seem to mind hanging on quite tightly to these cables, even though it would seem that this should offend their principles.)

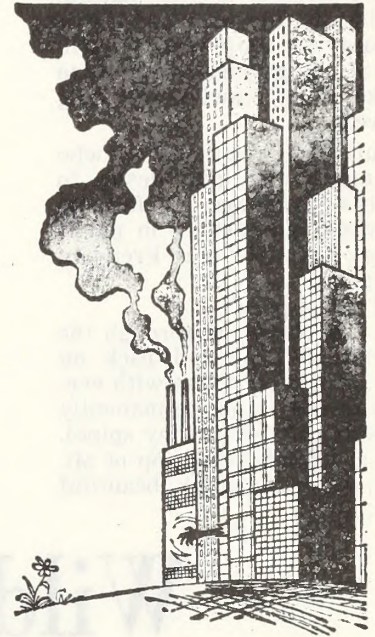
I would install an aerial tramway from the valley floor to Nevada Fall, thence up the backside to the top of Half Dome. The restaurant at the top would be one of the great tourist attractions of the world, and I would go further and provide a hotel (set back from the edge so as to be invisible from the valley) so that ordinary people could spend a spectacular night on a mountain top and watch the sun come up over the Sierra Nevada.

In the 19th century, the obligatory romantic experience for Europeans

was to watch the sun come up over the Alps from the mountaintop hotel at Rigi, just outside Lucerne (Mark Twain, among others, did it). The hotel at Rigi is still there, and the sun still rises. It is spectacular, but sunrise from Half Dome would beat it.

If the Swiss can do it, why can't we?

And that brings up the ultimate argument that purists always fall back upon: that the Swiss can do these things with taste, judgment



Darcy, Newsday

and reverence for the landscape, but we Americans would botch it up.

This is neither altogether true nor altogether false. We Americans are just as capable of tasteful building as Europeans—see, for example, the beautiful Palm Springs tramway, which has now carried 2 million passengers (the purists fought it, tooth and nail). We are also capable of abominations, such as permitting PG&E to build a hideous power plant in front of Morro Rock and utterly spoiling what was once a lovely scene.

I believe that with the help of enlightened conservationists—not purists—we can do it, and do it as well as the Swiss. And I think that increased access to our scenery will produce a greater appreciation of it in Americans, as access to beaches produces beach lovers.

In the meantime, until my ideas filter into public consciousness and we get those tramways to the Muir Trail, I will go back to Switzerland each summer to "study conditions," as the politicians say. You'll find me on the Schilthorn (elev. 9,748 feet), eating more fondue.

COPY

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UNITED STATES DEPARTMENT OF THE INTERIOR - BUREAU OF LAND MANAGEMENT

PUBLICITY RECORD

Newspaper
and Location Riverside Press Date of
Publication 12/12/70

Submitting Office BLM - Public Service Unit

TASK FORCE TO BATTLE DUNE BUGGY PLAGUE

By MARK OLIVA

A four-agency task force is expected to begin today the job of bringing an end to the vandalism and threats plaguing landowners in the sand dunes north of Palm Desert.

Undersheriff Robert Presley said yesterday a 15 to 17 man 24-hour desert task force would begin the first of two weekend patrols of the area at about 10 a.m. this morning.

Varying with shifts, Presley said the task force would include about 10 deputies from the sheriff's main office in Riverside, three to four California Highway Patrolmen and one or two staff members from both the California Division of Forestry and the county Air Pollution Control District.

ITS TARGET is the massive influx of campers and dune buggy operators who besiege the area each weekend, destroying public and private property and threatening residents.

"The last four weekends, we've issued a lot of warnings," Presley said. "Starting this weekend, every legal violation will be cited.

"We've already touched bases with the prosecutors and the judges, so they know what's going on, and they're prepared for it."

The task force idea began Monday, when Air Pollution Control Officer Galen Kinley and several residents of the area told county supervisors "literally thousands" invaded the desert last weekend, causing extensive damage, breaking a variety of laws and polluting the air with campfires.

William Corbett, part owner and manager of Marco Polo Mobile Village, said his trailer park has been losing tenants because of the excessive noise from dune buggies throughout the night and early into the morning.

Duaine Bricker, president of Country Club Village Estates, said, "The 500 residents of this area will not tolerate any further abuse."

IN ADDITION to the all-night noise, Bricker complained of widespread vandalism, littering and dumping on the desert.

Dr. Alan Witnauer of Riverside, owner of a weekend home in the area, said his property has been subjected to vandalism and his life has been threatened by the campers and dune buggy operators.

Other residents in the area said campers have damaged their residences, vacant at the time, to find wood for fires. They said one house has been burned down by vandals.

Kinley, a Sun City resident, said he received complaints from residents of the area last Saturday and drove out into the desert.

"There were literally thousands of them (campers and dune buggy operators)," Kinley said. He described their attitude as "vicious."

KINLEY SAID he found the campers burning wood stolen from private property and the county's blowsand fences. He said he called the CDF for assistance in having the fires put out and making arrests for air pollution violations, adding, "I was outnumbered."

His use of CDF personnel last weekend led to the proposal for creation of this week's desert task force.

Sheriff Ben Clark told the supervisors the task force will make arrests for as many types of violations as are found.

Campers building cooking fires on the desert will be cited for air pollution control regulation violations, he said. Arrests for vandalism, malicious mischief, trespassing, dumping of refuse and destruction of private property also will be made, he said.

On Dec. 28, the supervisors are scheduled to act on an added law enforcement tool in controlling the desert problem. At that time, County Counsel Ray T. Sullivan Jr. will present a proposed ordinance requiring the registration of all off-road vehicles being operated in the county.

UNITED STATES DEPARTMENT OF THE INTERIOR - BUREAU OF LAND MANAGEMENT

PUBLICITY RECORD

Newspaper
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Submitting Office BLM - Public Service Unit

Crackdown on dune buggy, cycle nuisance begins in desert area

By MILES GULLINGSRUD
Press-Enterprise Staff Writer

PALM DESERT — Law officers handed out citations yesterday to dune buggy and motorcycle enthusiasts as the county kicked off a campaign to end nuisance and destruction attributed to growing use of recreational off road vehicles. The exact number of citations issued wasn't disclosed.

All citations were for using an unlicensed vehicle on a public road, in most cases the result of a driver's crossing County Club Drive on the desert floor east of here. Unlike other counties, Riverside County permits operation of unlicensed vehicles in off-road locales.

A task force of sixteen mounted an all-day patrol of a favorite spot of the drivers, the large dune areas surrounding the intersection of Country Club and Cook Road.

Participants included deputies of the Indio station of County Sheriff's Department, officers of the California Highway Patrol stationed at Indio, firemen from the California Division of Forestry, and George Epperson, inspector of the county Air Pollution Control District.

Officers employed regular patrol cars, 4-wheel drive cross-country vehicles and a CHP helicopter to observe recreational vehicle activity.

Sheriff Cap. Del Fountain estimated there were 100 persons using 25 motorcycles and 15 dune buggies, less activity than is found on peak weekends. He noted that as usual the majority of people were out-of-towners.

There were no citations issued for malicious mischief, trespassing or illegal fire building.

This latest operation, which will continue today and next weekend, was prompted by growing complaints from property owners in the sparsely settled area.

The county is considering adoption of a law restricting use of such vehicles.



These dune buggy enthusiasts were observed near the Glamis store during the Thanksgiving week, 1970

Campers Victims Of Petty Thieves

Among recent campers here, the following thefts were reported to the KRV sheriff's substation this week:

Mr. and Mrs. A. M. Underwood, Upland, said three of their motorcycles were hot-wired and removed from their Boulder Gulch campsite. The machines were found later in nearby brush. Two suspects were questioned, fingerprinted and released.

Jim Miles, Stanton, said \$140 in fishing gear was stolen Saturday night (Sept. 5) from his Tillie Creek campsite.

Also at Tillie Creek Friday Robert Garcia, Gardena, said \$43 in ice chest and camper's lantern were taken Sept. 5.

And John Efaw, Oildale, said \$38 in camping equipment and food was taken from his Uffert Park campsite.

Some Thoughts About Our Recent 'People Problems'

(Editor's Note: Following is a response from Jim James, Seucia National Forest supervisor, Porterville, to a recent letter from the SUN in which we indicated our concern and offered our help in dealing with "people problems" in the forest and vicinity.)

August 27, 1970

Dear Mr. Sears:

Thank you for your letter and offer of help in our "people" problems in the Kern Valley area.

We certainly share your concern over the incidents which have occurred in the Valley, especially this summer.

Last week I attended the meeting I mentioned to you. Four other Forest Supervisors were present, as well as regional representatives familiar with conditions throughout the State. While it is no consolation to the people of the Valley, or to us, we are not alone in having problems with people.

Part of our trouble in your particular area is brought on by the nature of the Kern Canyon and its relation to the highway. The river, paralleled by an all-weather highway, with easy access at nearly any point from the mouth of the canyon near Bakersfield all the way to the Johnsondale Bridge, is unique. Because of the proximity to Bakersfield and the population center to the south, the area receives an increasing amount of weekend use and one-night stands from youth and young adults bent on "partying." This type of use conflicts with the usual family type camping with which the Forest Service has been familiar, and which we are geared up to handle.

Another feature of the Kern Canyon is the intermittent campground development, separated by open spaces. These intervening spaces are not developed, but still desirable and accessible as camping spots. Some of our trouble comes from people camping or "partying" in the areas between developed sites.

We are working closely with

the Sheriff's Office in both Kern and Tulare Counties, however, under present financing we cannot muster enough patrolmen to patrol the 70 or 80 miles of accessible river frequently enough night and day to stay completely on top of the problem. And as you know, Tulare County does not have and can't afford to place much help for Johnny McNally in the canyon above Kernville.

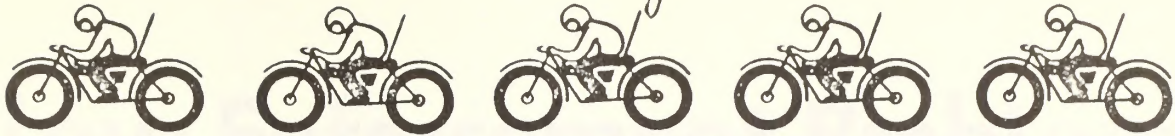
The Forest Service is studying the problem on a nation-wide basis and we hope to have some help and guidance before next field season. One item that is being worked on is possible Federal financing to help local law enforcement people spend more time and effort on National Forest lands. Probably more regulation as it pertains to camping in undeveloped sites is in the offing.

Everything possible will be done to keep undesirable incidents to a minimum through the remainder of the summer season. Sometime this fall or early winter it might be in the best interest of all of us to get together and talk about this problem. Perhaps by working together we can find some management techniques which would give better control and provide a more enjoyable experience for people visiting that area.

I want to extend my sincere thanks to you and others in the Valley who have given Rangers Glem Smith and John Marker and their people such fine support. We believe they are doing a fine job, considering the state of the art of dealing with dissident groups and considering the fact that we are under-financed and under-manned for this type of work.

I received a letter very similar to yours from Mr. Joe Swartz on behalf of the Kern River Valley Visitor's Council. I am taking the liberty of sending him a copy of this letter by way of reply.

Sincerely,
(s) M. R. JAMES
Forest Supervisor



A QUIET WEEKEND ON THE DESERT

As most of our readers know, the Supervisor's Weekly Log, that melange of sometimes funny, sometimes tragic, and sometimes routine events, is one of the best sources we have for material. We read the logs carefully, then pass them on to the Director and the Division of Operations for any action.

The reports covering the Thanksgiving weekend were really something to read, but the one from Anza-Borrego Desert SP was almost unbelievable. In a way, what went on at Anza-Borrego was typical -- not so much of individual problems or incidents, but of the frenzy and activity that take place throughout the entire State Park System during those frantic "long weekends."

Area Manager Jack Hesemeyer divided his sprawling, 488,000-acre park into six patrol districts. After the weekend, he asked each to report. He wrote "... these are excerpts from the patrol rangers' reports. They tell a far better story about the activities in the park than we could ever condense into the Weekly Log, and are being sent as an attachment."

We would love nothing better than to present the entire attachment, but there just isn't enough room. The report from Patrol District No. 1 by Ranger Chester Getty is representative, however, and we are printing it almost exactly the way we received it.

Thursday, November 26 -- A windy and dusty day. Very few people camped in my area, but there are 73 campers on the fringes who are using the park. Example: 32 bikes just came through 17 Palms area. I asked the leader where they were camped and he said just east of the Microwave tower. A rockhound club digging rocks in Palm Wash were camped at Pegleg. I made them stop digging and move out, explaining that pretty rocks are our only decoration here in the desert.

At 1320 hours found evidence there had been a motorbike accident with possible injury in Arroyo Salada Canyon between Truckhaven turnoff and the oasis. Tracks show he hit a big rock and then ran into a sandstone bluff, leaving a man-sized scar there.

At 1410 hours found a group of bikes (27 in all) having a Jackrabbit race on the sand flat in the vicinity of Basin Wash. They stated they felt this was OK because when the sand blew, their tracks would fill in.

At 1440 hours a group of 39 bikes doing the same thing in Basin Wash; and at 1510 hours found 21 bikes having their race in Bank Wash.

Friday, November 27 -- At 0730 counted 97 campers before I had gone 10 miles, and each camper had from two to four motorbikes attached to the camper or on trailers. So now I know where all the bikes came from yesterday. Where will they be racing today? And they get to do this free. The Park System is the only one that pays.

Ran into many old friends today, some I haven't seen since last season. They all have bikes, but all stated that "after all the hell you gave us last year, we will stay on the roads from now on".

1400 hours - Have pulled seven campers out of soft sand so far today, and have passed out almost 50 park brochures.

2300 hours - Have found five ground fires.

Otherwise, all quiet.

Saturday, November 28 -- By 0850 hours, have pulled 6 cars from soft sand. This place is loaded. Campers are almost bumper to bumper from Arroyo Salada Primitive Camp to 17 Palms Oasis.

1010 hours - Caught a lady washing dishes in the spring at 17 Palms Oasis. I asked her if she would like soap in her drinking water. Up to that point I don't think she realized what she was doing. She wept and I was sorry I had spoken. We all got together and bailed or dipped all the water out of that one spring. Fresh water will seep in and fill again in 24 hours.

Sunday, November 29 -- In my area today were four bike clubs. They had a pleasant weekend. Total of 97 bikes; left no tracks on the hills - only in the big washes.

A dunebuggy club, 51 in all, visited Arroyo Salada restrooms this morning all at once. What a line-up! Then I cleaned them again.

Had "Hippie" problems this morning. Campers near them said they were shooting pistols. The Hippies said, "No". Campers said they were riding their bikes in the mud hills. Hippies said, "No" ?????

Five cars pulled into the entrance to Ella Wash, each with a flatbed trailer, and each trailer loaded with 4 to 6 bikes. Thirty more bikes won't bother me too much, I guess. Already have 200 plus.

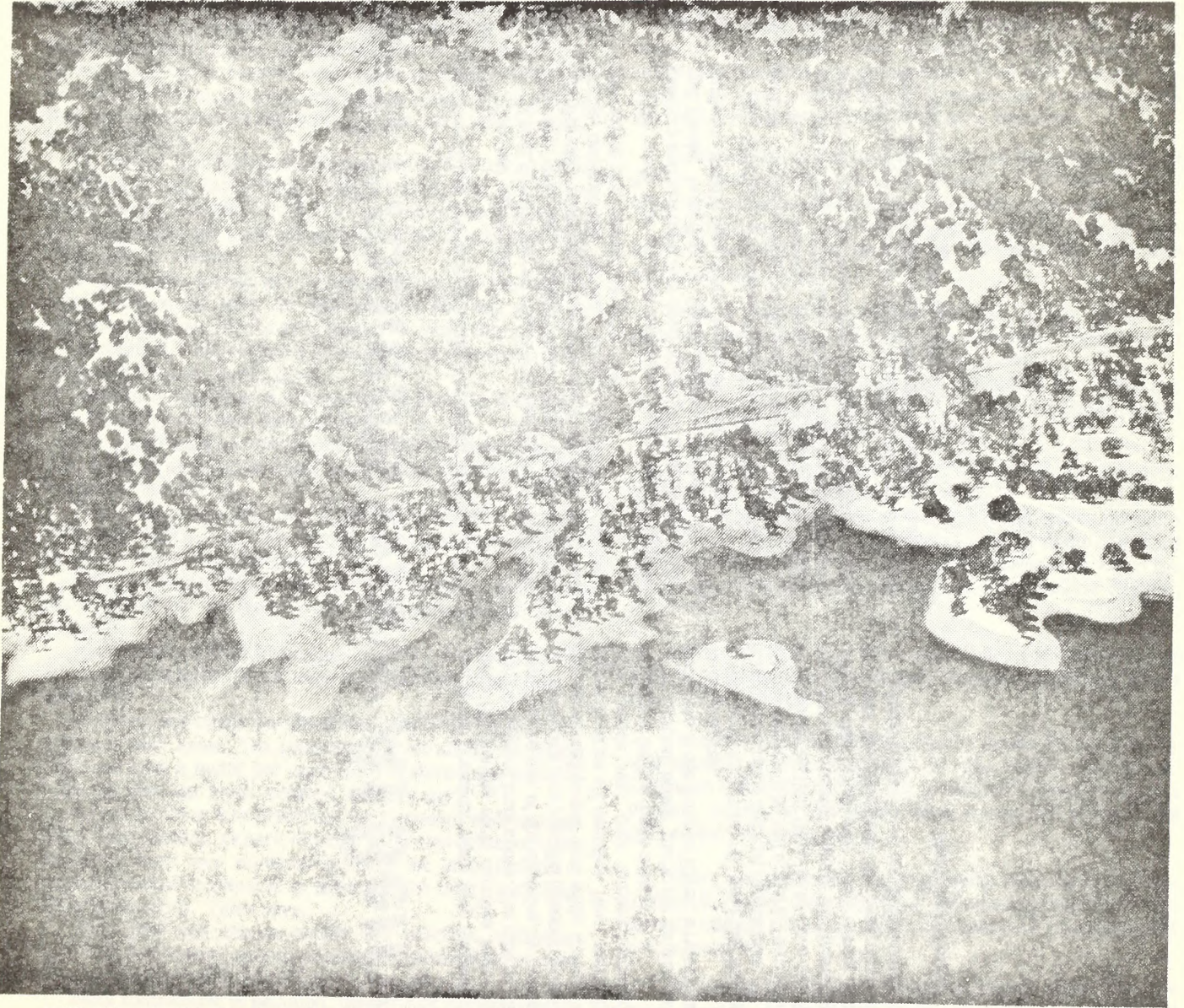
1400 hours - All quiet. Ten cans full of garbage and I can call it a week. What a week!. Sometimes I feel there should be five of me!

1510 hours - I am in Font's Wash and it looks like Cox's Army went through here. Dunebuggy and bike tracks all over the place. I visited this wash twice on Friday, once on Saturday, and once today, but they seem to know when I am coming because there's never a dunebuggy or bike in sight when I am present. □

Law Enforcement Problems Grow At Berryessa

12A—The REGISTER, Napa, Calif.

Tuesday, November 3, 1970



THE PUBLIC BEACH at Lake Berryessa—known as “Burn’s Beach”—is shown in the aerial photo above left and the ground photo above right. More law enforcement problems occur in this

area than at any other spot at the lake. Car “clouts,” fights, drug abuse, thefts and other illegal activities strain law enforcement

Crime And Danger In 'Fun Land'

Law Enforcement Problems Grow At Berryessa

Editor's Note: This is the last in a series of five articles on Lake Berryessa. The first part of today's article deals with the growing law enforcement problems at the lake. In the concluding paragraphs, writer Bob Yeager, who spent scores of hours conducting interviews and researching the subject, offers some personal commentary on the lake, its problems and the solution.

BY BOB YEAGER

Register Staff Writer

It is nighttime at Lake Berryessa. As you ride in the back of a sheriff's patrol car, the dark images of telephone poles flick by like fenceposts on a giant corral.

You are riding the rim.

A narrow strip of Highway 128 between Moskowitz Corners and Elicueta Creek, the rim was the scene of more trouble this past summer than in any year deputies can recall.

Copulation and car "clouts", gang fights and drug abuse, thefts, drownings and tangled auto wrecks — the law enforcement logs are lengthening at Lake Berryessa.

To deputies Jack Polly and John Baumgartner, who joke in an easy, masculine banter as they speed through the night, the

enemies of law and order at Lake Berryessa are easily identified.

They are "the cruds."

"Cruds," in the lexicon of lawmen, appear in three varieties. There are "pro cruds," smooth, experienced criminals mostly; "hard cruds," motorcycle gangsters and tough-stuff hoods; and simple, non-specialty "cruds," largely hippie-style long hairs who smoke pot, brawl and drink beer.

The cruds that come to Berryessa generally fit the latter category and hail from Bay Area cities like Oakland, Richmond and Pinole. According to Polly and Baumgartner, they are harder to handle than their Napa County counterparts.

For one thing, cruds show little respect for law officers. For another, they congregate in large, unwieldy groups.

"You never know what you're getting into up here," Polly says, adding that this summer Sheriff Earl Randol ended the policy of allowing Berryessa deputies to ride alone in the squad cars.

As many as 40 hostile youngsters have confronted a single deputy issuing a citation and, in some instances, these confrontations nearly erupted into riots.

On one occasion, when they responded to a complaint at Putah Creek's big rock, deputies were the target of a small boulder dropped from above. The missile, large enough to kill a man, missed one of the deputies by inches.

More than once youthful prisoners were freed from the back seat of parked patrol cars while throngs of friends acted as decoys to draw off deputies. Now, specially designed autos — with outside rear door latches removed — are standard equipment for the Lake area.

A natural bench mark for crime comparisons at Lake Berryessa is the Russian River, a rowdy resort long known for its lawlessness.

It hasn't happened yet, but Polly thinks soon the two areas may share equally dubious reputations. "If things don't change in two years it will be hell up here," he predicts.

Already in 1970 there have been 178 Berryessa theft and burglary complaints, a figure that gains significance when one realizes that most were filed during the 12 or 13 two-day weekends that constitute the peak summer season.

In Rancho Del Mar, a residential area comparable in size but

with a permanent population, the number of thefts and burglaries reported this year total 140.

"(The lake's T&B statistics took their biggest jump between 1968 and 1969 when the figure shot up from 112 to 168.)

Deputies who work the lake regularly say the most common offense is the car "clout," law officer slang for breaking into a parked auto.

Very little crime occurs within the resorts. "We don't have many problems inside," says Baumgartner, "They charge entrance fees which helps keep out the cruds and they tend to police their own problems pretty well."

Instead, the largest number of complaints are concentrated in or around "Bum's Beach," the free public area north of Berryessa Headquarters. Most young people congregate there, Polly and Baumgartner explain, and car clouts and fights are numerous.

It should not be implied, however, that crime is absent within the resorts. If thieves hold little respect for lawmen they have less for boundary lines. Mobilehomes are an increasingly popular target for enterprising burglars.

Along less conventional lines, nude swimming enjoyed a spurt in popularity during the past summer at Berryessa. And, one sunny afternoon, deputies received an exceptional jolt when they spotted two young couples engaged in sexual intercourse in shallow waters near the highway. (All four were later arrested on drug charges.)

By far the most infamous crime committed at the lake was an attack by the Zodiac killer late in the summer of 1969. A brutal mauling that left a Pacific Union College coed dead from stab wounds and her male companion in critical condition. The killer still is at large.

Napa County citizens have paid handsomely for the jump in crime rates at the lake. An estimated \$15,000 was spent in overtime alone for deputies assigned to Berryessa this summer.

In addition, a big workload is handled on a year-round basis by resident deputy Bob Leighty.

Besides the deputies' important role at the lake, Berryessa park rangers aid in law enforcement.

The park rangers usually are first to cover drownings and often fill-in at accident or crime scenes until deputies or highway patrolmen arrive.

"They have basically the same responsibilities we do," Polly says, "It's a shame they aren't on an equal basis as far as pay and benefits are concerned."

The park rangers have seen a slight decrease in their most grisly lake duties this year — the investigation of drowning accidents.

Nine people lost their lives since January, all of them young. The oldest victim was 19 and several were infants. Last year a dozen died.

Rangers who cover the drownings say there is no clear pattern to their cause. The treacherous shelf off Bum's Beach may have been a factor but most seem to stem from parental neglect or are just freak mishaps, rangers say.

As with so many lake problems, the frequency of drownings defies easy solution. As park director Gil Yates points out, the drownings have been scattered all over the lake. Dozens of lifeguards would be required to supervise the lake's rambling, 168-mile shoreline, Yates says.

Few safety programs, no matter how effective, could cope with drug and alcohol caused drownings, elements in at least some of the Berryessa tragedies.

More controllable is pollution, the product of poor sewage facilities, discharges from power boats, shoreline excavation and the nature of the lake itself.

In general though, the pollution picture at Berryessa is fairly bright. Dr. Stanley Leland, county health director, claims monthly tests show lake waters are as pure as those that flow

from household taps.

There is almost no mercury in the water and boats, as further evidence of lack of pollution, can be left in the lake for up to two years without developing algae formations on their hulls, Leland says.

Noting the presence of extensive flora near the shoreline, many citizens have taken this as evidence the lake is becoming, to use county administrator Albert Habberger's word, "putrified."

In fact, the reverse is true, Leland says. The flora are normal bass weeds and, if anything, help oxigenate the water. According to Leland, the only reason they are visible is because the lake reaches relatively lower levels during summer months.

As further evidence of the county's commitment to controlling Berryessa water pollution Leland cites the efforts being financed by a \$100,000 federal grant. Thanks to the grant, county health officials hope to identify and, within a period of three years, implement a program to control contamination of lake waters.

Despite these hopeful signs, eutrophication, the rate at which a body of water loses its ability to supply oxygen to animal life, remains a question mark. Part of the normal life cycle of all lakes, eutrophication promotes the growth of plant life until the lake eventually becomes a meadow.

Eutrophication is an important factor at Berryessa since, as a warm lake with little flushing capacity, it is destined for a short life even without the pollutants introduced by man.

Excavations in mobilehome parks and in nearby subdivisions speed up this process by enriching the lake with nutrients from the soil.

Sewage disposal is another element in the control of pollution and eutrophication at Lake Berryessa, especially at the pond-type plants common to most resorts.

Health inspector Jim Page, charged until a few weeks ago with the inspection of these facilities, says that most resort plants are "at or above their capacity."

During the peak summer months, most plants are "just holding their own," according to Page.

Page says the problem with many resort sewer plants is that, though planned to comply with strict regulations, owners perform much of the actual construction themselves. Often the finished product bears little resemblance to approved designs, Page says.

In a celebrated case three years ago, a sewage plant at Putah Creek Park malfunctioned, dumping 100,000 gallons of raw effluent into the lake.

The cause of the mishap was a faulty plastic line installed by management without approval by the health department. Litigation followed but Judge Wade Shifflett threw the case out of court, saying the county had failed to establish intent on the part of the concessioner.

Other, less spectacular sewage spills have occurred down through the years. Cases involving individuals pumping sewage directly into the lake from trailers or boats are uncommon but not unheard of.

While toilets are banned aboard all vessels at the lake, one man created a huge houseboat by floating a king-size mobilehome on aircraft pontoons and completing the structure with wood siding, sun decks and railing.

The mammoth houseboat is conveniently hidden from view in a cove near Putah

Creek Park. Yates, who winces at any reference to the floating mobilehome, says he faces a possible court struggle to get the owner to remove it.

CONCLUSION

Untangling the problems at Lake Berryessa is an awesome task.

One is tempted to go back instead of forward, to harken to the history of Monticello in the vain hope that we perhaps could start all over again.

Soon, however, one learns that the pre-dam history at Lake Berryessa is a dark memory, one filled with political manipulation and deceit.

A small group of men, for example, all of them farmers and landowners in the Monticello area, made an in-person plea to then Governor Earl Warren that the dam project be cancelled. According to their version of the story, Warren made a flat guarantee that it would never go through.

The men left the governor's office elated at their success. They chatted for a moment on a Sacramento street corner. Then one of them spotted a newspaper.

Emblazoned across its front page were headlines announcing Warren's approval of the dam.

Some 20 per cent of the prime soil of Napa County was covered by the waters now called Lake Berryessa. Among these lands were wheatfields reputedly among the most productive in the state.

But the problems at Berryessa are broader in scale than those created by individual betrayal. They are symbolic of the way we think and act.

All too often, we forget the impact on both our physical and psychological environment of projects that, when advocated in a society of engineers, seem so beneficial.

It would be easy and somewhat fashionable to blame those in Napa County government for the dilemma at Berryessa. But it seems, in this case, that true guilt lies further up the hill.

Why should Napa County taxpayers be asked to pay for a recreation area whose attraction is so obviously regional?

Why, indeed, should this county finance picnic tables, barbecue pits, launch ramps, campgrounds and the like for the publics of Oakland and San Francisco? (Not to mention the increasing burden of law enforcement and sanitation.)

All this is not to say the resorts are attractive or even in the public interest. Inasmuch as they deny people access to their own land, as they add to pollution by excavation and unbridled expansion, as they have sought, in short, to do all the things private businesses always do, the resort owners are at fault.

Clearly, too, the county has been compromised by the separation of planning functions at the lake and its manner of approaching enforcement of regulations within the takeline.

With these realities in mind, it is difficult to believe that the problems at Berryessa will be solved simply by turning them over to county planners or a recreation commission.

Cynically, perhaps, one concludes that that would lead only to more study groups, more general plans, more wasted time.

Berryessa is in the wrong jurisdiction. For too long the Bureau of Reclamation has gone about its endless business of damming up rivers and streams without recognizing the recreational implications of such projects.

And we must confess that the prospect of a revised management agreement — one that could freeze existing conditions for decades — is frightening.

What is needed now is a tough, long look at Berryessa by those who have been dodging their responsibilities for far too long — the federal government.

They could begin by taking over Lake Berryessa.



DESPITE WARNINGS like this one, the lake continues to take a heavy toll in lives. So far in 1970, nine persons have lost their lives in the lake, all of them 19 years of age or younger. In addition, routes to and from the lake are scenes of frequent and often deadly automobile accidents.

The California Desert

Is It Just a Sandbox?



Barstow

ALL THAT GLITTERS here in the California desert is not gold. Usually it's broken glass, or a discarded beer can, or a motorcycle leaping over a sand dune. Strange as it sounds some experts fear the desert is dying.

The California desert covers more than 16 million acres of jagged mountains and sweeping plains, small rodents that never drink water and drab cacti that burst forth with sudden stabs of color.

This arid wilderness is really two deserts, the Mojave and the Colorado, stretching from the Sierra Nevada and Death Valley on the north to Mexico on the south, from the Colorado river on the east to the mountains surrounding Los Angeles on the west. The total area is as big as West Virginia.

Once the desert was considered a barren, hostile place. But today it is the great sandy backyard for 11 million people, a weekend refuge from Paradise-on-the-Pacific.

★ ★ ★ ★ ★

THE FEDERAL BUREAU of Land Management, a part of the Department of Interior, which supervises about three-quarters of the desert, put it this way: "Try to picture the California desert, not as a vast expanse of open space, but as a constantly shrinking landscape, surrounded by sprawling cities."

In 1970, according to the bureau, the desert absorbed 8 million visitor days — one person spending one day. Only two years before, the estimate was 5 million. These visitors, as they have so often done elsewhere, are threatening to ruin what they came to enjoy.

Few believe that the desert should be roped off, that people in the crowded coastal cities should not have any escape. But planning, officials feel, is essential; anarchy can only end in destruction.

The damage takes man forms: erosion of the land, destruction of vegetation and wildlife, the defacement of ancient Indian petroglyphs, the plunder of ghost towns, the loss of historic relics, and everywhere — trash.

"EVERYBODY THINKS OF the desert as indestructible," said J. R. Penny, state director of the Land Management Bureau, "but it's just the opposite. The desert is one of the most fragile environments we have."

A year ago the bureau warned of the imminent "destruction" of the desert. In that time, the spokesman conceded, it has "been able to do darn little" to stop the process. A ranger at the Joshua Tree National Monument south of Barstow said efforts to protect the desert "have been like throwing water up Niagara Falls."

The Bureau of Land Management has roughly one man in the field for every one million acres. Not nearly enough to patrol its vast domain. Moreover, the bureau has always been geared to supervise land, not people, and its agents have no training or authority to enforce the law.

As a result, most use of the desert is completely unregulated.

The desert is hardly virgin territory. It has been violated for years by miners, squatters, ranchers, and people who just wanted a convenient dumping ground for an old automobile. But recently, a much more serious threat has developed, the off-road vehicle.

★ ★ ★ ★ ★

A NOVELTY ONLY five years ago, there are now 800,000 in the state — motorcycles, mini-bikes, jeeps, dune buggies, gyroplanes — most of them within striking distance of the desert.

What is happening to the land can be seen a few miles east of Barstow. Out here, ruts and gashes criss-cross the land like a child's aimless scribbles. Every arroyo has become a freeway, and on weekends the more popular paths remind one of the beach roads on a summer Sunday.

Scattered everywhere are the corpses of desert plants, some of the remaining bushes are festooned with unnatural colors: orange ribbons marking racing trails, bright blue paper, blown away from some abandoned campsite. In the dry desert climate, even paper lasts for years.

People often camp in large groups here, and their refuse serves one purpose — as targets for amateur riflemen. When they run out of cans and cars they shoot at signs and

rest stations and rodents; nothing escapes their tell-tale pock marks.

★ ★ ★ ★ ★

THE MOST DRASTIC impact of the vehicles is on vegetation. "Desert plants are not rugged, they're very delicate," said Ranger Donald M. Black of Joshua Tree. "They develop very shallow root systems and wax and cork coatings to retain moisture, and once they're broken, they don't usually heal before they dehydrate and die. The right conditions for growth might not come again for 10 or 20 years."

Moreover, the vehicles compact the soil, causing the rare desert rainfall to run off quickly, rather than percolate into the soil. And their tracks are practically indelible. Scars left by General Patton when he trained his Afrika Corps here during World War II are still visible.

★ ★ ★ ★ ★

ONE OF THE MAJOR results of the off-road vehicle is noise. Ranger Sansum said: "People pay \$2 a night to camp where it's peaceful and quiet. And then some dingaling comes in with his motorcycle and does nothing but drive around and around and around, often with the silencer off his muffler."

Off-road vehicle enthusiasts talk about the "freedom" they have and the chance to reach once inaccessible areas. But those areas often contain Indian petroglyphs—pictures scratched in the soft rock — valuable archaeological sites, and remnants of the white man's early days here. Many of these have been picked clean by rock hounds, bottle hunters, and vandals.

What lies behind this destruction, and what can be done about it? Part of the problem is sheer numbers, and many officials feel that developing more facilities might make things worse, since they would only attract more people.

But the issues go deeper. Many people who come here are not concerned with the esthetic value of the area but its recreational potential, according to Ranger Sansum. "They want to know how they can use it — collect rocks, or take plants, or drive over it," he said. "And this is where we bang heads with them."

PUBLICITY RECORD

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COLLECTOR ADMITS TAKING
INDIAN ROCK OFF U. S. LAND

By Bill Jennings
Daily Enterprise Staff Writer

INDIO - A Coachella Valley Indian artifacts collector has been placed on probation after pleading guilty to violation of the U.S. Antiquities Act in one of the few recorded cases of its kind.

Lloyd Spivey, 25, 43797 Junipero, Indio, was arraigned on the federal charge before U.S. Commissioner John Morgan in Riverside and pleaded guilty.

HE WAS PLACED ON PROBATION for three years, fined \$100 and sentenced to 90 days in jail, both suspended.

Spivey's arrest was the first known in Riverside County for violation of either the federal or state antiquities acts, both of which prohibit so-called "pot hunting," or the removal of Indian artifacts by anyone other than an authorized archaeologist or other professional.

The Indio man was charged specifically with the removal of a 1,200 pound bed rock mortar from federal land in Martinez Canyon, west of Valerie Jean.

MORTARS WERE USED by aboriginal people for the grinding of several foods, acorns in the foothill and mountain areas, mesquite beans for desert people. The Martinez mortars, used for centuries by the Desert and Mountain branches of the Cahuilla people, were generally for mesquite grinding. Smaller holes were used for medicines or dye materials.

Archaeological students and survey specialists from the University of California at Riverside were indirect witnesses to the mortar removal. Their photographs and additional information from Indio residents led to Spivey's arrest.

Spivey was sentenced by Commissioner Morgan April 22 after a lengthy investigation that involved the university, the Indio Police Department and the Federal Bureau of Investigation.

A problem arising from the case has the archaeologists puzzled.

"WHAT TO DO with the mortar?" asked Dr. Sylvia Broadbent of the UCR Department of Anthropology. "We feel it should be replaced at the site but that's going to be a monumental task."

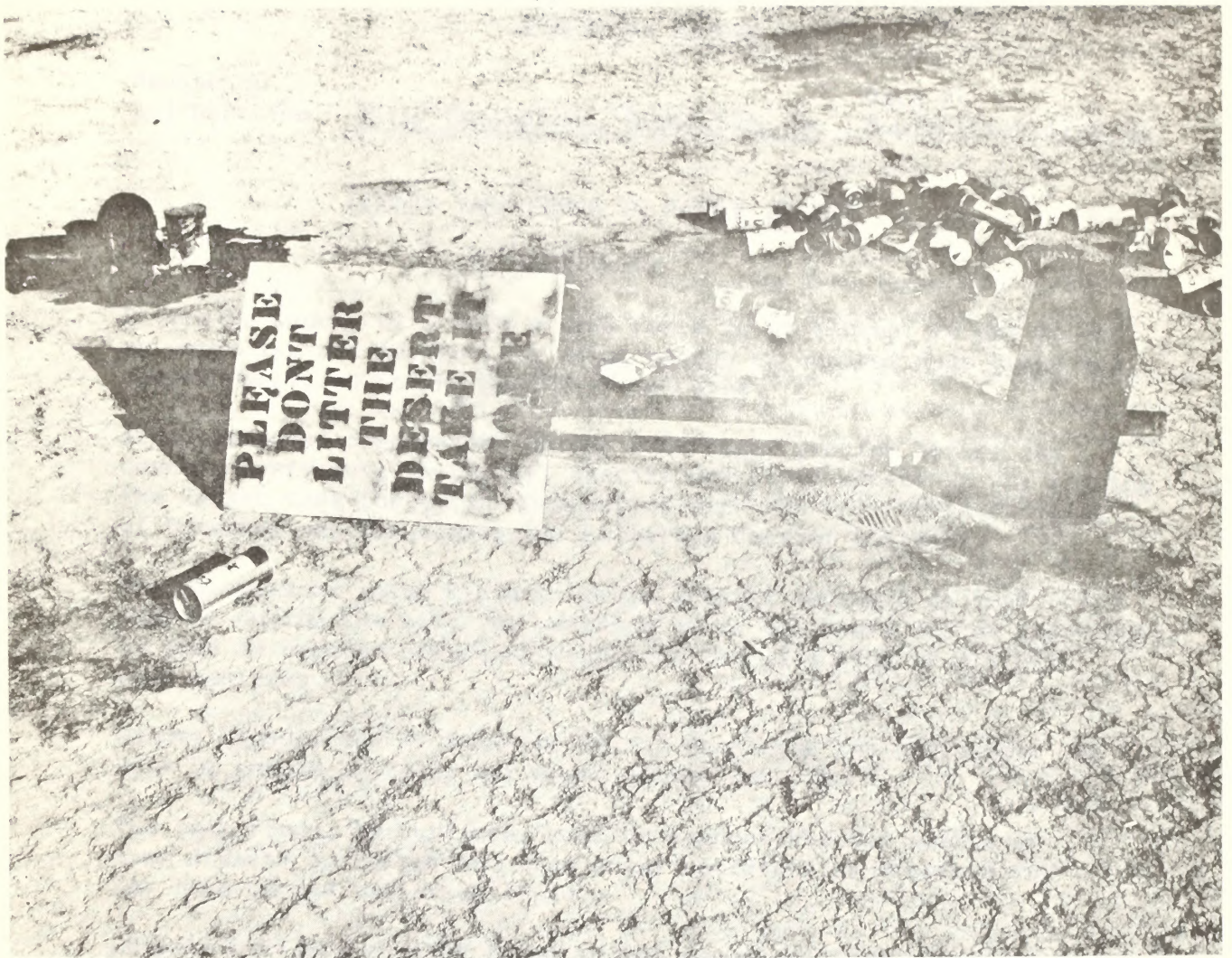
One suggestion was a location adjacent to the new Torres-Martinez Indian Reservation community hall a mile east of Valerie Jean. The canyon area is part of the same reservation.

The route into Martinez Canyon is steep and narrow. It would take a winch-equipped four-wheel drive vehicle to get the rock even part way back up the 3,000 foot high gorge to its original site. Spivey only brought it down the mountain, a much easier task.

The stone's disposition apparently is up to the U.S. Bureau of Land Management, which has jurisdiction over federal public domain lands.

Officials of the bureau's Riverside district office reportedly were considering a museum site for the boulder, one of the largest such mortars ever retrieved.

A heavier stone with many more grinding holes is adjacent to the entrance of Riverside County's Hurkey Creek Park near Lake Hemet. It also was moved from its original location by the county, but was not a violation of the federal statute.



AMONG THE MANY thousands who visit the California Desert for recreation there are some who abuse the public lands. This photo shows a sign which had been erected by a well-meaning visitor to El Mirage Lake in San Bernardino County. During the Thanksgiving weekend, other visitors used the sign as a target for beer cans, poured engine oil on the desert floor and set it afire. Further to the south, near Glamis, the weekend was marred by several malicious acts. Imperial County Sheriff's Lt. Oren Fox said a group piled cross ties and debris on the Southern Pacific track 10 miles north of Glamis, forcing a train to stop. In the same general area, rocks were thrown at a passing train and an engineer was injured when a rock broke a windshield on the locomotive. A deputy and a railroad investigator who went to the scene were met by a fusillade of rocks and had to withdraw. Later attempts to find the offenders were not successful. Fox said motorcycleists and dune buggyists usually do a good job of policing their own, but in this case there apparently was no control over several dune buggyists. Fox said the Sheriff's office has rescue units which can go into the Imperial Dunes, but does not have light weight dune buggy type vehicles to pursue offenders. (Photo by Bill Flint)

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UNITED STATES DEPARTMENT OF THE INTERIOR - BUREAU OF LAND MANAGEMENT

PUBLICITY RECORD

Newspaper
and Location Daily Enterprise, Riverside, CA Date of
Publication 12-8-70

COUNTY TASK FORCE TO PATROL DESERT

By MARK OLIVA

Riverside County will form a task force in an attempt to put an end to vandalism and destruction being caused by weekend dune buggy and camper operators in the Rancho Mirage area.

After extended discussions on the dune buggy problem before the county supervisors yesterday, Sheriff Ben Clark agreed to try forming the desert task force, in cooperation with the California Division of Forestry and the county Air Pollution Control District.

The supervisors asked Clark to place special emphasis on task force patrols during the next two weekends until the board has an opportunity to pass an urgency ordinance requiring the licensing of all off-road vehicles.

County Counsel Ray T. Sullivan Jr. is preparing the ordinance. He said it should be ready for board action Dec. 28.

The task force, as outlined, will be responsible for making as many arrests of camper and dune buggy operators as possible for any type of law violation found.

Campers building cooking fires on the desert will be cited for air pollution control regulation violations, task force representatives said.

They said arrests for vandalism, malicious mischief, trespassing, dumping of refuse and destruction of private property will be made under existing statutes.

Several residents of the Country Club Drive area near Rancho Mirage told the supervisors yesterday that destruction by weekend desert campers is reaching an "intolerable level".

Publicity Record - continued - Daily Enterprise, Riverside, CA.,
12-8-70

They said homes have been looted, and private cabins have been torn down for firewood. They also said property owners in the area frequently are threatened by dune buggy operators.

Dr. Alan C. Witnauer of Riverside, who owns a home in Rancho Mirage, became tear-choked yesterday as he told the supervisors he's become afraid to go to his desert home.

Dr. Witnauer said dune buggy operators have attempted to run him down on his own property and have threatened his life. He showed the board a picture with hearts on it that recently had been left near his gate, with an ice pick piercing a heart.

Galen Kinley, county air pollution control officer, said he received complaints Saturday morning from desert residents and went to the area.

"There were literally thousands of them (campers and dune buggy operators)," Kinley said. He described their attitude as "vicious."

Kinley said he found the campers burning wood stolen from private property and the county's blowsand fences. He said he called the CDF for assistance in getting the fires put out and having arrests made, adding, "I was outnumbered."

Kinley's use of CDF personnel last weekend and his desert visit led to the task force proposal.

VANDALISM COSTS ONE-THIRD MILLION DOLLARS IN CALIFORNIA'S NATIONAL FORESTS

The cost of vandalism in the 17 National Forests in California last fiscal year amounted to \$353,235. Regional Forester for the National Forests of California, J. W. "Jack" Deinema, stated, "This figure reflects vandalism damage to developed recreation sites which include campgrounds, picnic grounds, group camps, boat ramps, vista points, and swimming facilities." He noted that there was damage reported for more than 1,100 Forest Service recreation sites with damage reported in excess of \$25. Mr. Deinema said, "The heaviest vandalism occurred in the Angeles, Los Padres and San Bernardino National Forests in southern California." W. S. "Slim" Davis, Assistant Regional Forester in charge of Recreation said, "Campground restrooms, stoves, tables, information signs and other recreation facilities constructed for public use were purposely destroyed by vandals." He noted that the \$353,235 vandalism loss would cover the cost of a new 100 unit campground with paved roads, new tables and stoves, a water system and restrooms that would accommodate 500 campers at one time, or more than 6,000 people just for a summer season.

Park Ranger Preliminary Hearing Delayed

LAS VEGAS (UPI) — The preliminary hearing for a 61-year-old National Park Ranger on an open murder charge has been delayed from June 16 to June 25.

Leland Lamoreaux, free on \$5,000 property bond, is charged with the slaying of Ted Goodwin, 18, of Boulder City. The teen-ager was fatally shot in the back Memorial Day at a Boulder Beach campground at Lake Mead.

Clark County sheriff's deputies quoted Lamoreaux as saying he asked Goodwin to remove a car from the beach area and the youth began calling him names. When the teen-ager started to walk away, Lamoreaux ordered him to stop.

Lamoreaux said he did not remember cocking the pistol which discharged.

Nevada State Journal 6/12/70

The NEWSLETTER is published monthly by the San Bernardino County Museum Association, 18860 Orange Street, Bloomington, California 92316.

"The first weekend in June an incident took place at Inscription and Black Canyons. M and G tried to visit the petroglyph sites, starting at the north end. They were stopped by a youth who told them they couldn't drive down the canyon because the motorcyclists were having an outing. They started anyway, but soon wished they hadn't. A line of cycles shot toward them, threatening collision, so that they had to pull over in the narrow canyon and wait. They tried to eat their lunch, but the hail of dust and sand raised by the speeding cycles made it unpalatable. The youths took particular pleasure in annoying them, meanwhile churning the road into a mess of soft sand. This condition continued until the parade of cycles 12 miles long, extending the full length of the pass, had gone by. M and G, although familiar with the area, lost their way as they started through the canyon, due to the appalling condition of the road. When they reached the familiar outcrop where the sheep petroglyphs were, they found most of the figures destroyed."

This must be the ultimate in the irresponsible use of public lands! The federal government has the responsibility of managing these lands in the best interests of all of us -- not just for dwellers of the desert, or of our county, or of California, but for every citizen of the United States.

The time is long overdue for the adoption and enforcement of stricter regulations, even in some cases to the denial of vehicular entry. The inclusion of at least a few areas of the desert within the type of protection offered by the Wilderness Act would be one step in the proper direction.

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UNITED STATES DEPARTMENT OF THE INTERIOR - BUREAU OF LAND MANAGEMENT

PUBLICITY RECORD

Newspaper and Location San Diego Union, San Diego, CA Date of Publication 12-8-70
Submitting Office Public Services Unit - Riverside, CA

MASTER PLAN TO DEVELOP SAND DUNES

Federal Funds Sought, Public Ideas Solicited

By JIM McVICAR

EL CENTRO - A master plan for development of the Imperial Valley Sand Dunes is being prepared by the U.S. Bureau of Land Management, it was learned yesterday.

Gilbert Hall of Riverside, recreation resource specialist for the bureau, is preparing the plan in cooperation with Imperial County officials and representatives of several off-road vehicle clubs. He also is hoping for suggestions from the general public.

The area, located generally east of the Coachella Canal and west of the Southern Pacific Railroad's main line between state Highway 78 and Interstate 8, is becoming a major problem for the county because of limited facilities, limited access and supervision problems, Hall said.

OUT OF CONTROL

During a dune buggy and four-wheel drive competition over the Thanksgiving weekend, there was one fatality and several injuries, vandalism to railroad property and several other violations of the law at Osborne Park near Highway 78.

"The master plan for developing the area is necessary so we can qualify for some federal funds," Hall explained. "We hope to finish it in time to get some work started by next July."

Generally, the plan would set aside one area of the dunes for maintaining the natural environment and preserving plant and animal life. The rest of the area would be open to various forms of recreation - chiefly operation of motorcycles, four-wheel drive vehicles and dune buggies.

There would be increased parking, sanitation and other facilities to accommodate the increasing number of persons every weekend from Arizona and parts of California.

"As it is, there are a few chemical toilets at Osborne Park and a few more are brought in during the off-road competition," Hall said. "But parking is extremely limited and people are continually getting stuck in the soft sand."

Hall said the bureau sent a team to Glamis last weekend to solicit suggestions from the public.

"The people are chiefly interested in trash pickup, adequate toilets, running water and parking," he said.

VIOLATIONS CITED

During the Thanksgiving weekend, about 10,000 persons came to watch and participate in the meet. In addition to accidents, sheriff's deputies and highway patrolmen were deeply concerned with the lack of control they had over the situation.

One deputy said there were many cases of minors consuming alcohol. Rocks were thrown at a train and debris was piled on the tracks, causing one freight to stop. While the train was halted, rocks were thrown at the cab and caboose, injuring an engineer.

"There weren't enough deputies to control the situation," the officer said. The Highway Patrol adopted a policy of merely trying to contain the crowd off public highways.

"We were hamstrung because we couldn't take out after a violator in the area," one officer said. "They'd just take off into the dunes."

Sheriff Raymond Rowe said his office was prepared for any contingency for a meet scheduled in Buttercup Valley, South of Highway 8, Jan. 1, 2 and 3.

"We will not allow the situation to get out of control," he said.

PART OF ANSWER

Hall said he felt one of the problems of controlling large crowds would be somewhat solved if adequate facilities are available.

He said one way to open up more of the area would be construction of a paved road connecting state Highway 78 with Interstate 8.

Hall has enlisted the cooperation of Dan McKinney of Palm Springs, president of the National Sand Competition Association, for a tour of the area this weekend.

"We're going to form a caravan of dune buggies and tour the area between the two highways to see if a road is feasible," Hall said.

Sacramento Bee 12/26/70

12/26/70

Higher Rod, Gun License Fees Loom Controls Will Be Tackled By Solons

By Wilson K. Lythgoe

Higher hunting and fishing license fees, tougher controls on off-highway vehicles, control of waste discharges from watercraft, more protection for endangered fish and wildlife and law enforcement on public land. These are among the issues the 1971 California legislature will tackle beginning Jan. 4.

And the job may be complicated since committee memberships will be reshuffled now that the Democrats are back in control.

Sources in the Capitol say the Assembly will have a fish and game committee again, possibly with Assemblywoman Pauline L. Davis, D-Plumas County, as chairman.

She had chaired the Assembly Fish and Game Committee since 1959 until it became part of the Natural Resources Committee in 1969. She was then dropped from the Natural Resources Committee.

Sen. Robert Lagomarsino, R-Ventura County, chairman of the Senate Water, Wildlife and Natural Resources Committee, may head the group again next year. This committee — formed for the first time last session — combined three old committees that had dealt with separate areas of the environment.

One of the most controversial items of the proposed outdoor legislation concerns the Fish and Game Department's plan to raise fees for most hunting and fishing licenses to increase revenues annually by about \$5 million.

The department already has won approval from the California Fish and Game Commission to petition lawmakers to raise the fees to continue conservation practices and other department programs.

It costs the special fund agency \$20

million a year to maintain the department's programs. Fish and Game Director Ray Arnett said programs would have to be cut back in 1972-73 unless hunters and fishermen pay a little more for their licenses.

Sportsmen already are split over the department's proposal. However, spokesmen said letters favor the fee increase two to one.

The new money would be derived from raising the sport fishing fee from \$3 to \$4, the ocean fishing fee from \$1 to \$2, fishing stamps from \$2 to \$3, hunting licenses from \$4 to \$6 and deer tags from \$2 to \$3.

Operators of motorcycles, dune buggies, snowmobiles and other off-highway vehicles face the prospect of more and tougher controls.

Spokesmen for interested state senators noted there are one million motorcycles and other two-wheel vehicles in the state, but that only about half are registered.

Spokesmen for the upper house lawmakers said operating motorcycles and the other vehicles in the wild is "very damaging to the ecological system," causes hillside soil erosion and harasses wildlife and persons camping and picnicking.

And the legislature will attempt to determine whether the water purity laws — as they affect watercraft — are going to be toughened.

California has more than a half-million registered boats and, Ronald Robie, a member of the State Water Resources Control Board, believes the state needs more protection against water pollution caused by waste matter discharged from watercraft.

Robie told the Assembly Water Committee that a solution could be to pass a law requiring boats with toilet facilities to discharge waste material on shore rather than in the water.

But representatives of watercraft owners told the committee the state

should await uniform federal regulations.

Environmentally-minded witnesses estimate it will be three to six years before federal waste control rules become effective and even then they may have loop-holes.

Assemblyman Eugene A. Chappie, R-El Dorado County, held hearings last October on law enforcement problems on state and federal public lands, and said he found "crime on public lands is rising alarmingly."

At Lake Tahoe's D. L. Bliss State Park, Chappie said, thieves stole \$7,312 worth of property this year, almost triple the amount taken in 1969.

"Arrests and other illegal acts there, at Folsom Lake State Recreation Area, and nearly everywhere, have increased greatly," Chappie said.

And he said the affected federal and state agencies, because of policy, lack of authority or lack of money and manpower cannot do much to combat the burgeoning crime rate.

Chappie wants resolutions asking Congress to authorize grants by all federal public land agencies to local law enforcement. He also suggests an increase in forest receipt reimbursements to counties for law enforcement.

Another suggestion by Chappie is legislation to authorize a state park "impact" tax subvention to local governments, authorizing park peace officers to carry weapons, register off-road vehicles, clarify conflicting jurisdictions, require recreational land use certificates and establish a summer public land youth corps.

And sources in the Capitol say there will be another attempt to require motorcycle operators and passengers to wear approved safety helmets. Legislative proposals on this subject have been killed in recent years.

UNITED STATES DEPARTMENT OF THE INTERIOR - BUREAU OF LAND MANAGEMENT

PUBLICITY RECORD

Newspaper
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Date of
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Submitting Office BLM - Public Service Unit

Two federal areas proposed

Cyclists seek land for their sport

Pushed off private property in the city of Riverside and the entire county of San Bernardino, off-road vehiclists, particularly motocyclists, are moving in increasing numbers onto federal lands for their sport.

The Bureau of Land Management's Riverside District Office has been deluged with requests to use San Bernardino BLM land for dune buggy and motorcycle riding, said Manager Jack F. Wilson.

That county recently passed an ordinance forbidding off-the-road vehicles to use any land without owner permission.

A similar ordinance was passed for the city of Riverside. However, Riverside County landowners, including the BLM, are still on their own in the fight to keep the machine users off their property.

In response to the pressure of thousands of motocyclists and others eager to hit the dirt with their machines, Wilson said, the BLM has formed a group of private citizens to determine where the cyclists may cycle.

Called the High Desert Recreation Use Committee, the group has outlined two areas in San Bernardino County for potential use, one just south of Barstow and the other northeast of Lucerne Valley.

Finding such areas, said Wilson, involves pleasing both motocyclists and conservationists. Wilson said both sites, and others, would be considered if the areas were either in such bad ecological shape they were considered un-reclaimable or if they were areas naturally devoid of water, vegetation and fire hazards.

Although such areas sound bleak, in most cases the motocyclists prefer exactly that type of terrain, Wilson said.

Wilson said he hopes soon to form similar committees in this county and San Diego County to outline cycling areas and other off-road-use areas.

He estimated there are 500,000 dune buggy and dirt bike enthusiasts in Southern California and "this is certainly a legitimate sport."

It would not be fair or possible, he said, to make laws pushing the vehicles out of all areas they now use without finding alternative off-road areas for them.

Represented on the citizens' com-

mittee are naturalists, conservationists, off-road vehicle owners and livestock operators.

Among those in the group considering the San Bernardino lands is Dr. Edmund Jaeger, a Riverside conservationist.

Mojave Area Cycle ^{Bak. Calif.} Crashes Injure Six ^{4/12/71}

Californian News Service

MOJAVE — A Sun Valley man had multiple facial lacerations and reportedly was paralyzed from the neck down when he was admitted to Ridgecrest Community Hospital following a head-on motorcycle collision near Highway 14 about 20 miles north of Mojave at 9:30 a.m. Sunday.

The CHP said William Edwards, 61, was riding north on a desert pathway amid several other riders. Billowing dust impaired vision and he collided with a southbound cycle ridden by George Linstrum, 14, of Burbank.

Edwards reportedly was paralyzed when he was admitted to the hospital, while Linstrum, who lost six teeth in the collision, was treated for multiple cuts on his arms and legs.

A Los Angeles-area man and his son who were injured when their motorcycles collided in a hill climb area in Jawbone Canyon Sunday are in satisfactory condition in Ridgecrest Community Hospital.

The California Highway Patrol, which reported three motorcycle mishaps in the desert area over the weekend, said Terry Euton Fulton, 17, of Westchester, was riding over the top of a hill when he hit a bush and the

cycle flew into the air. The youth's cycle sideswiped his father's cycle as the elder Fulton came up the hill.

Young Fulton and his father, William Franklin Fulton, 42, were taken to the Ridgecrest Hospital. The CHP reported the older Fulton suffered a severely cut leg, multiple cuts and abrasions while his son has a possible broken arm and was in shock.

The mishap occurred at 10:25 a.m. 24 miles northeast of Mojave and four miles north of Highway 14.

Six-year-old Jane Dixon of Mojave was admitted to Antelope Valley Hospital in Lancaster after the cycle she was riding with her uncle, Kenneth Dixon, 17, of Mountain View, collided with a car in an intersection one and a half miles southwest of Mojave at 1 p.m. Saturday.

Dixon told the CHP he was southbound on Holt Street when he collided with an eastbound car, driven by John William Frye, 23, of Palmdale, at the Texas Street intersection.

Both cycle riders were thrown 40 feet over the top of the car. The girl suffered a broken leg and bruises. Her uncle was treated for head lacerations and released from the hospital.

SAFETY

Motorcycle controls needed

The motorcycle is the most deadly vehicle operating on the public highway, says John J. O'Mara of the University of Iowa Safety Research Center.

The solution is drastic redesigning, he told a traffic medicine congress in New York City. Government agencies should specify requirements such as the number of wheels to insure stability, and the arrangement and configuration of the wheels. A protective envelope or body should be required, and restraining and anti-ejection devices should be provided, he says.

More than 2,000 motorcycle riders a year are killed in accidents, and with sales increasing, more deaths are to be expected. The chance of a cyclist being killed is 20 times that of a car driver, and a passenger is more likely to be killed than the driver, according to studies in Great Britain, O'Mara says.

The severity of injuries resulting from motorcycle accidents is greater than for any other form of traffic accident, and the victims are mainly young men and women between the ages of 15 and 25.

Form 1042-4
(August 1965)
(formerly 7-1123)

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
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Indicate Action by Number

1. Necessary action
2. Approval
3. Signature
4. Prepare reply
5. Your comment and return
6. Note and surname
7. Note and return
8. Your information
9. See me
- 10.

From	Date	Room No.
Walt Beck		
Office	Training Office	
Phone		

Remarks I saw the attached in a "Horror Chamber" Dentists Office recently and ask to borrow the Medical Sciences magazine so I could have a copy. The Doc went one better and sent this copy to me.

The article got me interested and curious as to BLM responsibility on its administered public lands in event of either a ONE person or more than ONE person accident which would bring injury to cyclists. If the legal aspects have not been discussed -- perhaps the Solicitor could render an opinion!

The Sacramento Bee a short time ago carried a short article to the effect that 783 Californians had lost their lives in motorcycle accidents in 6 months.

WASHINGTON — Marked disparities exist in the quality, content and commitment among the present investigative training programs of federal agencies.

The shortcomings in such programs prompted the House Committee on Government Operations to call for the creation of a Consolidated Federal Law Enforcement Training Center at Beltsville, Md. The committee recommendations came on the heels of hearings conducted by the subcommittee on legal and monetary affairs headed by Rep Dante Fascell, D-Fla.

During the hearings, Fascell commented that "to send an untrained investigator to function in the field without providing him with comprehensive formal training constitutes a disservice to the public."

As a result of the hearings, the House committee published a 125-page report that outlined the flaws in the investigative personnel training programs as outlined before the subcommittee by representatives from numerous federal departments and agencies, as well as by private witnesses, including the Association of Federal Investigators (AFI).

Among other things, the report — titled "Unmet Training Needs of the Federal Investigator and the Consolidated Federal Law Enforcement Training Center" — noted that while plans are going forward for a \$30 million-center to train investigators, who have arrest authority and carry firearms, almost no training is provided for the more than 30,000 investigators who do not carry firearms.

According to the report, on-the-job training is fine only if coupled with comprehensive classroom training.

The report adds that hiring an experienced investigator also is of no great value. Experience acquired with one federal agency often is not of great value to another agency. In addition, the experienced investigator often has never received any formal training and brings with him skills that are not suited to current times and conditions.

In its year-long study of existing federal training programs for investigative personnel, the committee found that nearly every federal agency employs personnel having investigative responsibilities.

ONE of the CHIEF reasons for disparities in training programs involves the generally incorrect assumption that there is a high degree of difference between the investigative skills needed by criminal and non-criminal investigative personnel. Otherwise, says

the report, their need for investigative skills generally is common.

However, the congressional report predicts that most of the deficiencies will be remedied by the comprehensive training to be provided at the Consolidated Center, whose completion is scheduled for fiscal year 1974.

The "glaring inadequacies" in the training of noncriminal or general investigative personnel exist primarily because of "a general lack of appreciation for the importance of the investigator's role in accomplishing agency and government-wide missions." The investigator, says the report, suffers from a neglect which is not always benign.

During its look into the investi-

gative processes of the federal government, the House committee also found that there exists no single or interagency federal investigative training program with a basic formal training curriculum approximating the 226 hours which is the portion of the basic investigator curriculum to be offered investigative personnel at the proposed consolidated center.

According to the report, a significant number of federal departments and agencies have expressed interest in participating at the consolidated center. These include: The Departments of Commerce, Labor, Transportation and Housing and Urban Development, and the Civil Aeronautics Board, the Federal Communications Commission, the Federal Deposit Insurance Corporation, the Federal Home Loan Bank Board, the Federal Trade Commission, the Interstate Commerce Commission, the Securities and Exchange Commission, the Small Business Administration and the Veterans Administration.

Whatever the case, the congressional committee found that investigative training at a consolidated center is a must. No single or interagency training program in existence today provides either the quantity or quality of the program to be offered at the proposed center, according to the report.

For example, the study found that the investigative personnel of the Department of Agriculture do not participate to an extensive degree in outside training programs. Only a few students attend the Treasury Department's Law Enforcement School.

Nevertheless, the Agriculture Department — principally through the office of the Inspector General — investigates violations and enforces a host of laws and regulations bearing on antitrust, consumer protection, food purity and many others.

Also, the committee found that — apart from the investigative units of the Justice and Treasury Departments and of the armed services — the Agriculture Department has the largest criminal investigative force of any department in the federal government.

The department's increasing investigative responsibilities are reflected by the growing problems of criminal misuse of the food stamp program it administers.

Because of the inadequacies of the Agriculture Department's internal training programs and the critical nature of the department's investigative mission, the House committee recommended that Agriculture be permitted to participate at the consolidated center.

As of the beginning of 1970, the Agriculture Department employed some 200 criminal investigators, who in addition to their criminal investigative duties, have significant audit responsibilities. In addition, the department employed 40 accountants, 109 investigators in the agricultural marketing service and 52 clerical and administrative personnel all of whom are assigned certain investigative responsibilities.

The Department of Commerce, as of Jan. 1, 1970, employed some 165 investigative personnel. Of these, 118 were classified as auditors, seven as general investigators and 22 as criminal investigators.

THE DEPARTMENT of Health, Education and Welfare has four units with investigative responsibilities but the Food and Drug Administration (FDA) is most significant in terms of size. As of July 1, 1970, FDA had 869 inspection and investigation personnel, many of whom were classified as food and drug inspectors. HEW's Social Security Administration employed 14 investigators.

HEW told the House committee that a training program offered by the center "would be used selectively by the department if it offered courses relevant to its social missions."

Federal Law Enforcement Training Center

Detailed Estimate

Auditorium Building	\$ 815,500
Administration Building	834,100
Dining Hall	831,200
Shops	285,200
Physical Education Building	730,900
Dormitories	5,883,400
Education Building	2,642,300
Special Training Building	807,200
Site Work	1,527,200
Landscaping-including irrigation	75,000
Reservoir (fire prevention)	100,000
	\$14,532,000
Contingencies	1,005,000
Design and Duplication	1,138,000
Supervision	538,000
	2,681,000
Total Cost	\$17,213,000

The Department of Housing and Urban Development, which was established in 1965, employed 37 investigators as of the end of 1969. In addition, the department claims it employed 520 accountants and 277 attorneys who have some investigative responsibilities.

Although HUD is charged with a multitude of responsibilities affecting housing, land sales, urban renewal, model cities administration and equal housing opportunity, among other areas, it has no formal basic or in-service training program to equip its investigators adequately to deal with these and government-wide missions.

The Department of the Interior, which indicated it was interested in participating in the center to a limited extent has five departmental units — the U.S. Park Rangers, the U.S. Park Police, the Bureau of Indian Affairs, the Bureau of Sport Fisheries and Wildlife and the Bureau of Commercial Fisheries — that will provide students to the consolidated center.

In terms of its size, Interior is a significantly important member of the federal law enforcement community, with an inspection, investigation and police force totaling more than 2,000. In addition, as of the end of 1969, Interior employed 409 accountants and auditors, 203 general attorneys and 10 financial analysts, many of whom also are responsible for investigative functions.

The Department of Justice is the largest investigative unit in the federal government. However, there is no centralized investigative training program within the department.

The Federal Bureau of Investigation operates two principal training programs—one a 14-week training course for new agents, covering matters over which the FBI has jurisdiction, and the other a periodic in-service training

course after three years service, but no less frequently than every five years.

Concerning Justice, the report also notes that one of the most "glaring deficiencies" within the department is "the almost total lack of a continuing and formalized training and career development program for its attorney personnel."

The Department of Labor, with the exception of the investigative unit of the Army and the Civil Service Commission's Bureau of Personnel Investigations, has the largest group of general investigators in the federal government. As of the end of 1969, the department employed 190 general investigators, 1,138 wage-and-hour law enforcement agents, 102 accountants and auditors and approximately 40 other personnel with financial analysis and investigative support responsibilities.

Because none of Labor's investigative personnel reportedly meet the eligibility criteria of the proposed consolidated center, the department is not scheduled to participate. However, the department told Congress that all three of its principal investigative units could benefit from and are interested in participating in the center.

REFRESHER courses are provided intermittently for investigative personnel at Labor — but the department employs no permanent or part-time faculty and relies solely on operating staff and officials who are requested to administer specific agenda items.

The Post Office Department has its postal inspection service as its principal investigative unit. The service has more than 1,300 postal inspectors located at 15 field divisions. Postal inspectors have the dual responsibility of internal audit of all 56,000 postal installations throughout the country and of all investigations relating to mail theft, mail fraud and the like.

The present training program for investigative personnel involves 12 weeks of formal classroom training and new recruits at Bethesda, Md. The curriculum contains such courses as defense tactics, ethics, history of postal inspection service, revenue security, evidence, and a host of other security courses. Five full-time instructors conduct the program. During the committee hearings, the Post Office expressed a willingness to participate in the consolidated center program and one postal spokesman underscored the belief that can flow from an in-agency training program.

The State Department's security agents have functions somewhat similar to those of the Secret Service. They are responsible for the personal protection of the Secretary of State, the under-secretary and all foreign heads of government and chiefs of state who visit the United States. This unit has indicated a willingness to participate at the consolidated center.

The Agency for International Development also employs criminal and general investigative personnel. As of mid-1970, AID employed 46 criminal investigators and six general investigators. While AID's office of security controls a small number of its investigative personnel in the Treasury Law Enforcement School, it is not scheduled to participate at the center.

The Treasury Department is the second largest investigative unit of the federal government and stands out as the leader in terms of fostering and implementing interagency training programs both within and outside the department.

The department's criminal investigative force is growing by tremendous proportions. The department has conducted the Treasury Law Enforcement School (TLES) since 1951. The school, which will serve as the nucleus for the consolidated center, currently provides basic training to all newly appointed agents of the Bureau of Customs, the Internal Revenue Service and the Secret Service. It has a duration of six and a half weeks.

A serious deficiency in the TLES curriculum, according to the congressional report, is the total absence of any course designed and structured to inform students on the specialized interests and jurisdictions of other federal agencies. The proposed basic investigator curriculum at the consolidated center will devote seven and one half of the 510 hours to that subject.

Enforcement personnel of the Internal Revenue Service are afforded three types of training programs. Special agents receive a 12-week basic training program in addition to the basic course at TLES. Investigators of the Alcohol, Tobacco and Firearms Division and internal security inspectors receive a nine-week program, five of which are at TLES. A number of other refresher training programs are afforded to investigative personnel of the IRS.

THE BUREAU of customs recently developed two in-house training programs which complement the basic training provided at TLES.

The U.S. Secret Service conducts a basic training course for its new agents totaling 191 course hours in addition to enrollment in the basic course at TLES.

Heavy emphasis is placed on the Secret Service's jurisdiction, including such crimes as forgery and counterfeiting and breaches of rules of presidential protection.

The newest of the Cabinet departments, the Department of Transportation, has its quota of units affecting almost all aspects of the nation's transportation system. These include: The Federal Aviation Administration, the Urban Mass Transportation Administration, the Federal Highway Administration, the Federal Railroad Administration, the National Transportation Safety Board and the U.S. Coast Guard.

As of the end of 1969, the Transportation Department employed 548 accountants and auditors, 185 attorneys, 80 police personnel and 35 security personnel, all whom had in varying degrees investigative responsibilities. In addition, the department employs 38 general investigators and one criminal investigator.

Other agencies with investigative functions of varying kinds include: The Equal Employment Opportunity Commission; Federal Communications Commission; Federal Deposit Insurance Corporation; Federal Reserve System; Federal Trade Commission; General Services Administration; Federal Home Loan Bank Board; Interstate Commerce Commission; Railroad Retirement Board; Securities and Exchange Commission; Selective Service Commission; Small Business Administration and others.

Public Land Decisions Deferred Until May 4

Conflict of Use in Question

Decisions about management recommendations for 350,000 acres of public domain in eastern Kern County have been deferred until a May 4 meeting of the Bureau of Land Management's Bakersfield district Off-Road Vehicle Use Council.

The one-woman, 12-man council, representing groups interested in use of the desert land, met in Bakersfield Wednesday night to further acquaint itself with the use conflicts of the area, which centers about the Dove Springs-Jawbone Canyon region.

The only agreement reached by the council was that there probably is no part of the area that does not have some conflict of use. Their primary concern is with organizing off-road vehicle use with consideration of other uses and public values as well.

Eventually, hopefully at the next meeting, council members plan to assign classifications to the region, according to standards and guidelines established last year by the state ORVAC.

Those guidelines dictate all public domain be classified as either "open" to off road vehicle use with only temporary restrictions and permit requirements; "restricted," in terms of either when it may be used, how many vehicles may be allowed there or what type of vehicles may be used; or "closed," with off-road vehicles confined only to main access roads.

Members of the council represent all interests, including off-road vehicle users (drivers of motorcycles, dune buggies and four-wheel drive vehicles) as well as conservation and preservation-minded groups and those who have economic interests (sheep and cattle grazing). A member of the Kern County Sheriff's Office has been assigned to represent law enforcement interests.

Bill Bright, BLM's area

manager in that region, addressed the council Wednesday night, presenting to them a series of seven overlay maps illustrating public values and current uses of the areas. Council members asked for individual replicas of those maps prior to reaching any decisions, and Bright said they would be provided for the council's study prior to the May 4 meeting.

ORVAC members toured the area earlier this year.

Bright illustrated areas that are most subject to irreparable damage by water erosion; fire danger areas; areas with legal access problems; heavy wildlife use areas; livestock use areas; areas with excessive mining hazards; and areas that currently have heavy use by off-road vehicle operators.

He noted that recreation use of the area already is substantial and growing rapidly, with 65 to 75 per cent of use originating from persons who use it as an escape from the Los Angeles basin.

He admitted that striking a balance that will preserve land values, maintain economic needs and provide recreation opportunities is difficult, and that the district will appreciate the citizens' recommendations.

Those recommendations will be made to district manager Robert J. Springer, whose decisions will be open to public hearing and to review by BLM state director J. R. Penny.

Springer will report on ORVAC's progress at a meeting of the state ORVAC in Sacramento May 6.

The Bakersfield California

4/15/71

Kern Junk Man Loses Final Bid

The county's "premier junk collector" has lost his three-year battle to protect nearly 40 years worth of collective efforts spread over five mining claims and a millsite in the Keyesville-Lake Isabella area.

U.S. District Court Judge M. D. Crocker in Fresno Monday ordered the \$2,000 bond posted a year ago by Alvin (Al) Bryan Coe, 73, be forfeited to the Bureau of Land Management, which has been re-awarded a permanent injunction to remove all junk from public domain land.

Coe, a Bakersfield native, has lived on the mining claims since 1933, and until March 1970 was caretaker of the nearby abandoned Mammoth mine.

His junk empire includes the Zig Zag Lode, Bill James Lode, Billy Goat Lode, Hard Times Lode and Hogeys Placer mining claims and the Babbling Brook Millsite. The claims, say BLM officials, are invalid and are prime recreation land located three miles below the Lake Isabella Dam.

The Coe-BLM bout began in April 1968 when BLM, a bureau of the U.S. Department of the Interior, charged Coe with trespassing and asked him to clear the land, maintaining he had not complied with the terms of mining laws under which he was using the lands.

Items on the property at that time included between 350 and 500 cars, 20,000 feet of lumber, two tons of half-inch reinforcing steel, refrigerators, washing machines, televisions, wire, nails, clothes and tires. In the middle of the junk empire is Coe's two-bedroom brick home.

Coe ignored the charge and BLM obtained a court order two years ago giving him 90 days to clean up the land.

When he failed to comply, Judge Crocker on Sept. 15, 1969, issued a permanent injunction "freezing" all junk on the property, giving its possession to the United States and giving BLM authority to dispose of it.

The bureau issued a contract to Mallory & Co., Onyx, to begin clearing the property April 1, 1970. Terms of the agreement included \$500 payment and all salvage rights.

Seven truckloads of junk had been removed by April 6, 1970, when Coe obtained a temporary restraining order prohibiting removal of the

see Junk—page 12

material pending his appeal to the U.S. Circuit Court of Appeals in San Francisco.

He posted \$2,000 bond to cover losses the United States might occur as a result of delays caused by the appeal, but failed to submit a brief of his case to the court by the deadline early this year.

The appeals court dismissed the appeal for lack of evidence and the case was sent back to the U.S. District Court, where Crocker held a hearing Monday.

BLM, represented by U.S. attorney Richard Bolger of Fresno, submitted evidence through BLM area manager Bill Bright and realty specialist John Hodgins showing the government's losses during the appeal were well in excess of the \$2,000, which Crocker ordered forfeited by the bonding agent, Aetna Insurance Co.

Robert J. Springer, BLM district manager, told The Californian the case reverts to the permanent injunction issued Sept. 15, 1969, and his staff has been directed to proceed with the clean-up contract after the 1971 fire season. He said the forfeited bond money will be used to supplement other federal funds on the project.

He stressed that BLM is not eager to evict Coe from his home, and will cooperate with him to legalize his occupancy with a lease, for which he qualified under regulations that provide relief for long-term occupants such as the collector.

Coe has not yet applied for such a lease.

Springer said his staff also plans to cooperate with the Kern River Valley Historical Society and similar groups to preserve any historical artifacts found among items on the property. He also has instructed his staff members to cooperate with Coe in removing valuable personal property, as long as it's removed prior to formal cleanup operations begin.

Authorities Confronted With Problem Of Increasing Crime In National Park System

By ROBERTA HORNIG

Distributed by NY Times News Service
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WASHINGTON — The National Park Service, confronted with an increasing crime problem in the country's outdoors and recreation areas, has created a special law enforcement division to protect and assure the safety of visitors to national parks.

"It's a shame, but the statistics are very sad," a Park Service spokesman said.

While serious crimes — robberies, assaults, burglaries, larcenies, auto thefts, rapes and homicides — increased nationwide by 53 per cent from 1966 through 1969, they rose by 126 per cent in national parks in the same period.

Parks, particularly Yellowstone in Wyoming and Yosemite in California, also are experiencing difficulties with narcotic and drug users.

Force Increased

The new division will be headed by Inspector Franklin A. Arthur, a 26-year veteran of the U.S. Park Police and a graduate of the FBI Academy. Up to now, the Park Police force, which is in the process of increasing from 371 to 411, has operated primarily in the Washington area.

Under the new program, initiated by Park Service Director George B. Hartzog Jr. and approved by Interior Secretary Rogers C.B. Morton, a member of the force will be stationed in each of the service's six regional offices — in Philadelphia, Pa.; Richmond, Va.; Omaha, Neb.; Santa Fe, N.M.; San Francisco, Calif., and Seattle, Wash.

In addition, before the start of the summer vacation season that usually begins around June 15,

— 50 park rangers from all parts of the country will be brought to Washington for 540 hours of basic police training at Park Police headquarters here.

— A minimum of 100 season-

al rangers from selected areas will be put through a special law enforcement course either in Washington, Harper's Ferry, W. Va., or at the Grand Canyon National Park.

Supervisory park rangers from parks experiencing major law enforcement problems will get an intensive eight weeks of training to cope with crime.

— A two-week seminar on law enforcement will be conducted at George Washington University here beginning next week for top Park Service field managers.

Hartzog also reported "The beginning of a long-range emphasis" in National Park Service recruitment toward staffing park rangers with personnel

experience in "the social and police sciences." Up to now, rangers have been drawn largely from fields related to history and nature, such as archaeology, biology, anthropology and botany.

He added that the additional policemen and ranger training will provide "the capability of developing a cadre of Park Po-

lice which on short notice may be dispatched to assist park staffs in law enforcement and related police functions."

Park Service sources emphasized that the new thrust towards police training does not mean that rangers, who traditionally have worked to help visitors enjoy the parks and have almost a professorial im-

age, are going to become "cops."

There has been a steady increase in crime in the national parks since 1966, when 2,330 crimes were registered. In 1967, the figure was 3,399; in 1968, 4,308; and in 1969, 5,455.

Larceny far outranks other crimes, with burglaries next.

Yosemite led the national

parks in the number of crimes, at 765 on the "serious" level.

Crime statistics were also high last year at Olympic National Park in Washington State; the Grand Canyon in Arizona; the Jefferson National Exposition Memorial Park in St. Louis and at Yellowstone.

Park Service officials also report that they are concerned

about narcotic use in the parks, which is not counted as a crime under normal federal "serious offenses." Some 291 persons were arrested for using narcotics in parks in 1970.

The service has 309 permanent rangers and technicians and augments its rangers in the peak tourist season to 1,300.

Yellowstone Ranger Hardly Smiles Anymore

By JIM STINGLEY, *The Los Angeles Times*

YELLOWSTONE NATIONAL PARK, Wyo. — Smokey the Bear is dead. Ranger Rick is gone. And only in the hearts of a few diehards do their memories linger.

Today when you come to Yellowstone, expect to find, along with the bears and Old Faithful, jamtight commuter traffic, thieves, robbers, acid freaks and wanted felons. In short, the big city hangover.

And don't be surprised if the nice ranger doesn't smile at you — there's a good possibility he's been two days and nights sleepless because there's not enough manpower to care for the park, and to protect people from people, people from animals, animals from people.

Because the ranger has been forced into the role of lawman, of beat cop and traffic officer and narcotics and homicide detective — roles he doesn't like, things he joined the park service to get away from.

And he still has his traditional job — saying "no, no" to idiots feeding wild bears and "naughty, naughty" to little old ladies picking flowers; checking streams, lakes and back country for fishing or camping violations, showing people where the rest rooms are.

But this won't be his role much longer.

THE ONSLAUGHT of people — more than 35,000 a day during summer months — has forced the park service to decide that the ranger you have known is obsolete.

And he is being replaced in most instances by "technicians" skilled in specific areas — law enforcement, crowd control.

"The days of the strong, silent, mountain man, the person highly skilled only in forestry, conservation, botany and game management are over," said Yellowstone's personnel director, Richard Miller.

Now the ranger must be capable of standing a police beat situation, as in a crowded city.

"Because from here on out, most, and maybe all, of the rangers will be called on to do this."

Jack Anderson, veteran ranger and superintendent of Yellowstone, said it had come to this in five years: "That's when the pinch we started feeling 10 years ago began to really hurt."

"The kid yelled, 'Hey, Pig Ranger!' It hurt. Man, it really hurt! I've dedicated my life to serving the public — and to have a kid you don't know from Adam, a kid you might risk your life for at any moment, come up with this?"



"Take the algae around the hot pools, that beautifully colored thermal algae. People slide on it. It takes years for that to form again. And they slide on it."



"You just can't believe that it's happening under a backdrop of the beautiful lakes and the mountains and the fresh air. Why are they mad at you? For trying to help them keep pure what is theirs?"

FORCED INTO LAWMAN'S ROLE

"You're not in an urban environment here. You're in a natural environment, which by edict of Congress is to be preserved for all time.

"It isn't like taking a city apart and putting it back together. We can't do that. When you suffer damage in here, you suffer damage that can last for centuries, because these areas are very fragile to man's impact."

And just protecting the park from man is almost more than rangers are able to do, Anderson said.

BUT NOW THEY FIND they must also protect man from man.

"And we aren't geared to handle it," he said. "We have programmed a 50 per cent overuse of our utilities this year. It could go more.

"But what really drags us down is law enforcement. In that area our activities have increased (at Old Faithful District 75 per cent of ranger man-hours spent are strictly on law enforcement, traffic control) numerous times over and the serious cases (attempted rape, robberies, narcotics) have risen in proportion.

"But our personnel has not increased," said Anderson. "In fact, it has decreased."

In 1960 there were 37 year-round rangers assigned to Yellowstone. In 1970 there are 27.

Anderson said the personnel decrease was due in part to a tight budget that provides for no new men and is forcing permanent rangers from numerous parks to go to newly acquired park lands.

The people-over-ranger count has reached such proportions that the park's assistant superintendent Vern Hennesay remarked. "There are many people who come here and the only ranger they see is the fellow they pay their money to when they enter the gate."

"THE DAY IS COMING," said Anderson, "and it is not very far away, when coming to this national park is going to be just like going to a football game — you get a ticket before you leave home.

"We cannot continue to compound people on top of people. We would destroy the very thing we are here to protect."

As administrator of this nation's largest (2,221,766 acres) and oldest (established 1872) national park, Jack Anderson does not like what has come and is coming to Yellowstone.

He doesn't like the idea of bringing in specialists.

"And I hate the term, law enforcement, even though that's what it has come to."

The superintendent's feelings extend almost without exception down the chain of command.

Dale Nuss, head ranger of the populous Yellowstone Lake District, has been at the park 22 years. He remembers when city-style law enforcement was unheard

of and he sees many aspects of the rangers' jobs going neglected today because of it.

Nuss said crime had worsened to such an extent that "there are rangers within my district who would like to carry guns at night on their persons. (The rangers have shotguns, pistols and Mace, but keep them in their cars, out of sight).

"I'D LIKE TO THINK we've still enough respect from the American public that we don't need a gun," said Nuss.

Respect. Rangers had it once. A decade ago they were the image of what was good and noble and true. Their uniform symbolized that; their warm casualness in dealing with park visitors was part of it.

Has that disappeared in the dust of camper trucks?

"Now it's not the man on the white horse out on the trail talking to people, fighting fires, catching bears," said Ted Weight, a seasonal ranger for 18 years at the park.

"Now it's the policeman image, and the respect from the average visitor is gone.

"This year, for the first time, a kid called, 'Hey, Pig Ranger!'

"It hurt. Man, it really hurt! I've dedicated my life to serving the public — and to have a kid you don't know from Adam, a kid you might risk your life for at any moment, come up with this.

"It doesn't set well. Not at all."

NUSS, WEIGHT AND other veterans see the loss of respect linked to their inability to make enough individual contacts with people.

"There is nothing I would like better than be able to loosen my tie and walk out into the area and visit with these people," said Jim Brady, subdistrict ranger at Old Faithful.

"Particularly the longhaired and bearded ones who are smoking the hash and pot.

"I want to talk to them about what this park can give them. I want to say, hey, before you get uptight, give us a chance.

"There are so many beautiful things here, so many wonderful experiences that a person can have. I know it would be a great thing to share these with more people.

"But there just isn't the time."

The rangers feel the loss of contact with the people also has led to a greater destruction of park environment.

"People come here with their high-priced rigs and they've got everything with them except the knowledge of how to camp, how to conduct themselves with relation to the park's ecology," Nuss said.

The rangers have a long list of damages inflicted by the people stampede.

"The only reason the park looks clean," said Ranger Jim Brady, "is because maintenance crews are at it all day and into the night.

"Morning Glory Pool at Old Faithful probably has 2,000 pennies in it right now, and rocks and trash. We have to constantly unplug it.

"And take the algae around the hot pools, that beautifully colored thermal algae. People slide on it. It takes years for that to form again. And they slide on it."

LIKE OTHER RANGERS, Gerald Mermin sees himself as a cop today, and like the others, he doesn't like it.

"Law enforcement is a complicated, complex, demanding job. They're damned if they do or don't. I think being a good cop today is one of the hardest things to be.

"And we face the same problem.

"But our approach to law enforcement is rooted back in more peaceful times. We're still worried about making simple, safe car stops and here, all of a sudden, today you could have 500 or a thousand people throwing rocks at you.

"And you just can't believe that it's happening under a backdrop of beautiful lakes and mountains and fresh air. Why are they mad at you? For trying to help them keep pure what is theirs?"

Once he spoke of his life during the fall, winter and spring — when the lines of vehicles have faded and elk, mule deer and grizzlies knew it was safe once more to come down from the back country.

He talked of leaning forward in the saddle and riding his big sorrel hell-for-leather across a deep grass valley after a herd of buffalo:

"There were 200 of them. God, they were beautiful. I started out after them kind of slow-like. We had marked a few the year before in another area and I wanted to see if the herds had mixed.

"They saw me and started moving slow. Then they loped and finally were at full run.

"And it was just me. And my horse. And that herd of wild, beautiful buffalo. God, what an experience!

"Mister, that's why I stay here. That's why I've turned down a promotion to stay here. This is my cathedral, my church, my proof of a supreme being or whatever I need.

"And while I get very cynical and hard to live with sometimes at what's going on here, moments like that with the buffalo just makes firmer my convictions and hopes that all of these bureaucratic ineptitudes and maneuverings that we go through in trying to preserve this place are for a worthwhile cause."



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Folsom District Office
63 Natoma Street
Folsom, California 95630

IN REPLY REFER TO:

9240
C4-M

	Initialed	Date
SD		
ASD		
L&M		
RPM		
ENG		
P.DEV		
I&E		
ADM		

SEP 14 1970

Memorandum

To: State Director, California (0491-C.03b)

From: District Manager, Folsom

Subject: Analysis of BLM Enforcement Requirements

Following is an inventory of enforcement problems, as requested by State Director's memorandum of July 13, above subject:

The most notable examples of enforcement needs and resource damage are to be found in off-road vehicle use of various areas of the district. The worse examples are to be found in the Panoche and New Idria areas.

Resource and property damage occurrences have occurred and are occurring over the entire district. Some examples are:

1. Destruction of traffic counter in Alpine County.
2. Camping in closed areas in Alpine County.
3. Picnic table theft in Nevada County.
4. Lock theft in Nevada County.
5. Coin box theft in Nevada County.
6. Sign destruction and theft in South Yuba River Recreation Lands area. One sign was damaged two days after being put up. Damage is resulting from rocks, axes and bullets.
7. Damage and theft of garbage and litter cans in Nevada, Amador and Calaveras Counties. Damage is result of bullet holes.
8. Sign destruction and theft in Tuolumne County.
9. Theft of sign posts in Fresno County.
10. Illegal dumps in various parts of the district and continued dumping after posting of no dumping signs.

11. Harassment of BLM employee by hippies on Edwards Crossing Bridge.
12. Nude swimming, illegal camping and campfires, theft of firewood, harassment of recreational users by hippies in Nevada County, and other counties.
13. Complaints of damage to mining equipment by recreational users of the New Idria area.
14. Illegal cutting of vegetative products: wood, Christmas trees, etc.
15. Illegal house and cabin construction on public lands.
16. Illegal posting of public land.
17. Illegal agricultural use of public land, where the trespasser pays his trespass but continues to use the land and will not buy it.
18. When any type of illegal action occurs, we should go to all means to collect damages, example commercial trespass.

The attitude of the majority of the trouble makers is not so much belligerent, as is their attitude that they know BLM cannot do anything about their illegal acts and they can tell us to leave them alone. A small percent, which is growing larger, are belligerent. This includes a certain percent of the hippie type. The major attitude is that the public knows we can't enforce anything and they make no bones about breaking any rule or regulation which may or may not have been established or an unwritten rule.

Fred Wolf

Acting

August 1964

(Formerly A1-150)

UNITED STATES GOVERNMENT

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

IN REPLY REFER TO:

Memorandum

9240(04020)

DATE: August 11, 1970

TO : State Director, California
Attn: C.03b

FROM : District Manager, Susanville

SUBJECT: Analysis of BLM Enforcement Requirements

The following items are analyzed, in light of the present situation, in response to your memorandum of July 13, 1970.

1. Destruction of resources and facilities by recreationists.
In Susanville, we are lucky. We are not yet feeling the population crunch as other areas are. Our problems are litter and minor campground vandalism. For example, in 1969 all of the toilet paper was stolen on July 4 from Eagle Lake Camp. Three screw-on deoderizers were taken and two tables were taken from a remote undeveloped-type primitive camp.
2. Capabilities and interest of present personnel in enforcement as a career.
Our present employees are not interested in enforcement as a career. Two employees out of 30 expressed a possible interest in this type of work. These people should be given an opportunity to work in this field, but most enforcement personnel will have to be recruited from other sources and intensively trained. Regular resource management personnel working in the field should be exposed to enforcement policy, laws, and techniques. At present, this is a very gray area and we would not know what action to take if we did see a flagrant violation of the law. It is not understood by present personnel just where the BLM or the individual stands as far as enforcement goes.

3. Local Sheriff Contact (interview with Del Corbett)

The sheriff's office states that local campgrounds (especially Eagle Lake) do have the normal amount of thefts and disturbance problems that you get when ever you have people together. This is not nearly as bad as reports from other high population areas, however. The biggest thefts are coolers and sleeping bags.

4. USFS Contact (interview with Fred Alberico)

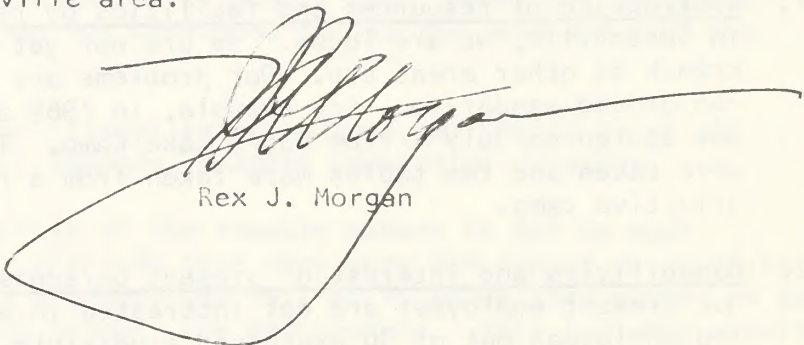
Forest Service enforcement problems in this area are a good forecast of problems the BLM in Susanville will have as recreation use increases.

The USFS does not deal with criminal-type cases but reports these cases to the County Sheriff. These include thefts and disturbances.

Infringements of USFS regulations are handled by USFS employees. Except for trespass, there are usually regulations concerning Title 36 CFR. A notice of infraction is issued to the person breaking a regulation. These are reviewed by the District Ranger and if warranted, a citation is issued (served by the US Marshall) to appear before the local US Commissioner (Judge Kerr). A fine usually results.

Out of 100,000 visitor days, in one month the Eagle Lake District issued 11 citations. These included one unauthorized camp, firing a gun, parking an unoccupied trailer, no leash on a dog, and a vehicle on an unauthorized road.

The Eagle Lake District is part of a USFS study. They will have a comprehensive law enforcement study report completed by the end of the year. This report will give BLM an intensive study and analysis of enforcement problems that we can expect in the Susanville area.



Rex J. Morgan

P-1541-1

August 1964

(Formerly A1-150)

UNITED STATES GOVERNMENT

IN REPLY REFER TO:

9240 (RM)

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

District and Land Office

1414 University Ave., Box 723

Riverside, CA 92502

Memorandum

DATE: SEP 21 1970

TO : State Director (0491-C.03b)

FROM : Manager, Riverside District and Land Office

SUBJECT: Analysis of BLM Enforcement Requirements

Your memorandum of July 13 requests an inventory of resource damage and special behavioral patterns observed of users causing this damage. An inventory and discussion of the damage will be given first followed by observations on behavioral patterns.

Damage Through Vandalism

Vandalism usually happens a little at a time but adds up to be a major problem. A ranger force would eliminate much of this damage through 'protection awareness' similar to the way a game warden prevents hunting violations. The fear of being caught can go a long way toward reducing damage when backed up by stiff, enforceable fines and reprimands. A list of items vandalized in the past 12 months is given below by category with dollar value. Of course the list is not complete since many incidents go undetected.

<u>Number of Incidents</u>	<u>Items Vandalized</u>	<u>Value</u>
Destruction		
1	Toilet shelves torn off	\$ 50
1	Toilet doors bashed in	50
1	Natural area plaque banged up	50
1	Registration stand torn apart	100
2	Campground water supply broken into and contaminated	600
100+	Fences cut for access	1,000
3	Spring boxes busted and polluted	300
1	Spring pipes cut into pieces	100
5	Breaking up guzzlers (600 total)	100
100+	Defacement of scenery and archeological sites	priceless
5	Pipelines (58 total)	100

<u>Number of Incidents</u>	<u>Items Vandalized</u>	<u>Value</u>
1	Petroglyphs dynamited	priceless
Shooting		
100+	Road and camp signs	\$ 1,000
100+	Garbage cans and barrels	500
8	Water tanks (8total)	100
?	Windmills	500
5	Livestock	1,000
?	Wildlife	priceless
100+	Pictographs and petroglyphs	priceless
1	Toilet doors	50
	Gates and locks	100
25	Wells and springs (156 total)	200
Theft		
1	Registration sign	100
1	Main entrance sign	500
5	Garbage can chains	25
100+	Artifacts (archeological and historical)	priceless
325	Fence posts	600
10	Camp grills	500
?	Protected fossils	priceless
1	Spring development components	100
	Decorative stone (500 tons)	1,000
100+	Mining equipment	1,000
50	Christmas trees	500
Burning		
1	Sign post	50
3	Ramada planks	100
1	Garbage can post	25
2	Pit toilets	2,000
1	Picnic table	150
20	Palm trees	no est.
50	Joshua trees	no est.
?	Grass and brush fires	<u>no est.</u>
TOTAL DAMAGE		\$12,450

The total damage of \$12,450 is deceptively low since many costly acts of destruction have not been inventoried and the cost of some items has not been estimated. Many of the more valuable items, such as the extinction of a wildlife species or loss of a unique scientific site, cannot be estimated.

A great amount of vandalism occurs on private land as a result of public use we have generated through development of roads and recreation sites. The inconvenience and actual cost to mining camps, ranches, etc., from killed livestock, cut fences, damaged range improvements, fire, stolen milling equipment, etc., amounts to thousands of dollars each year.

Some of the vandalism we sustain is nearly cronic in magnitude. Promiscuous shooting is especially bad and far reaching. Practically every sign, garbage container and range improvement has at least one bullet hole in it. Shooting takes place in campgrounds (holes found in toilets), along roads and even at livestock. One cow was found shot in a campground. A rancher in McCain Valley, where we have three developed recreation sites, loses 5 to 8 head every year from gunfire.

Theft of artifacts at historical and archeological sites is also extreme. As soon as a site is discovered by the general public, it is "stripped". Apparently the feeling is that everything is first come, first served. Everyone knows it won't last long and moves quickly to get his "share".

Theft and burning of campground facilities has been quite a problem. Numerous grills, signs, etc., have been taken while wooden items of every description have been burned. There seems to be little fear of being apprehended. Much of the theft and damage is done in the evening hours when the camp is not patrolled and escape is easier.

Damage Through Abuse and Overuse

The public has become accustomed to using the public lands without any restrictions. As a result, favorite use areas have become damaged, not through vandalism, but through overuse. Bike and 4-wheel drive trails now cross most of the desert and have caused some damage in nearly every square mile. At concentration points such as campsites, family sport areas, favorite race areas, etc., the damage has been quite high.

A single motorcycle scramble, for example, can destroy a path six feet wide and 35 miles long plus a camping area large enough for 500-1000 vehicles. A 4-wheel club rally may involve several hundred vehicles. Anywhere they go across country, a new road is formed. Such events can damage 25-50 acres of land. With over 100 such events (formal and informal) each year, there is long-term damage on nearly 5000 acres each year. Family outings can be even more destructive because of the large numbers involved.

Littering is probably the worse example of careless abuse. Hundreds of tons of litter and unauthorized dumping take place each year on public lands in the district. Practically all major roads and many of the less traveled secondary roads and trails are strewn with litter. Undeveloped recreation sites and heavy use areas are also heavily littered. In addition to developed recreation sites, litter is picked up at over 50 collection points. Major Johnny Horizon clean-ups were held in the past year at the Imperial Sand Hills (including several miles along Highway 78 and the Ogilby Road), Ocotillo Wells vicinity and Calico vicinity. A major cleanup of the Mecca Hills is scheduled for October.

Severe damage to the resources from unregulated mass use and abuse cannot be stopped with a ranger force. As with vandalism, however, users can be educated to reduce littering, unauthorized off-road vehicle use, etc., through as forceful a means as becomes necessary.

Behavioral Patterns

1. Past observations indicate that 90 per cent of the public visiting recreation areas are cooperative and follow posted rules. The 10 per cent occasionally create conditions that cause some of the majority to leave the campgrounds. We have received letters from users complaining about noisy motor bikes riding through the campgrounds at all hours of the day and night. When other users have asked them to follow posted rules, the bike riders have responded that they have run people out of the campgrounds in the past and if they don't like it, they can leave. The bike riders who break the rules have usually been cooperative when BLM personnel are present, but resume disruptive activities as soon as we leave. It may be that this is starting to change since our patrolman reports that the number of persons refusing to obey posted rules upon request is increasing. Violators are learning how much they can really get away with; it is hurting our reputation and ability to properly manage the resources.
2. Most parents control their offspring reasonably well in the campgrounds. We occasionally get one who, when told that his child is violating a rule, will respond that they are on public lands and can do as they please. Some parents do leave their children unsupervised in the campgrounds. One three-year old was bitten by a rattlesnake this year when he wandered into the brush while his parents were bike riding.
3. Four-wheel drive clubs use the McCain Valley area for off-road excursions about six times a year for special events. The area is posted "Vehicles Restricted to Established Roads" near the entrance. Representatives of the clubs have told us that they know they are violating the literal interest of the posted sign. They feel that since they seldom go the same way twice, they are not damaging the resource.
4. Due to adverse weather conditions in the low desert during the summer, use is quite light. However, most of the campground theft of stones and signs is during these months. A possible explanation is fewer people around to witness the theft and less frequent patrols by the maintenance man.
5. A majority of the visitors to our Coon Hollow and Wiley Well campgrounds are elderly and retired rockhound enthusiasts. It may be noted that these two sites have suffered very little from intentional vandalism.
6. It seems individuals (single parties or family groups) are much more lax about littering and property damage than are large organized groups (such as jeep, dune buggy, and motorcycle clubs). This is even more evident when a Johnny Horizon clean-up event is held since nearly all the participants are from organized clubs.

7. The protection of human life and safety is an important justification for a ranger force. People frequently act irresponsibly on public lands when there is no one around to enforce regulations. We have heard of two deaths and several serious injuries on public lands resulting from lack of regard for safety or regulations. Rangers discourage carelessness and require compliance with safety regulations. They would also be available in case of emergency.

8. Early detection of trespass cases would be an important function of a ranger. Mineral theft, advertising signs, occupancy, livestock trespass and theft of Christmas trees, etc., should all be reduced by detection and decisive action of a patrolman.

Walter Holmes

By

Acting

UNITED STATES GOVERNMENT

*Memorandum*RECEIVED
BUREAU OF LAND MANAGEMENT

NOV 19 9 17 AM '70

CALIF. STATE OFFICE
SACRAMENTO, CALIF.

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

800 Truxtun Avenue, Room 311

Bakersfield, CA 93301

6150

0401-A

DATE: NOV 17 1970

TO : State Director (0491 C.03b)

FROM : District Manager, Bakersfield

SUBJECT: Vandalism

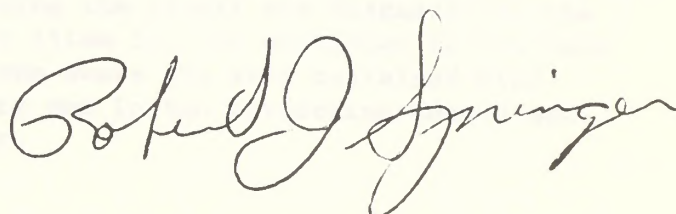
On November 16th, Mrs. E. L. Anderson of 14747 Clark, in Van Nuys contacted this office concerning their last desert trip to Ballarad, and Panimint City.

Mrs. Anderson stated several things greatly bothered her and her husband which she wanted to report to the Bureau -

1. A burro was found dead in Surprise Canyon, which she was sure had been shot.
2. Four young people in a jeep were in Panimint City, shooting at everything with rifles, Mrs. Anderson states one was armed with a machine gun.
3. She complained Panimint City and the Chris Witch Camp were being destroyed by vandals.
4. She objected strongly to the commercial ventures in the old town of Ballarad.

Mrs. Anderson was told the shooting incident would be reported to Inyo County authorities. No license number on the jeep was seen. I explained briefly to Mrs. Anderson about our desert study and the necessary enforcement requirements we are seeking.

We are forwarding a copy of the California Desert Study to Mrs. Anderson.



STATE OFFICE
2800 Cottage Way - Room E-2841
Sacramento, California 95825

Memorandum

MAR 11 1971

To: Director (2cc)
From: State Director, California
Subject: Motorcyclist death

We reported by telephone to Mr. Sensel of your office on February 8 the following tragedy which occurred to a young motorcyclist. This report provides written followup data as a result of a review of the situation.

Sometime between 3:00 p.m. and 9:00 p.m. on Saturday, February 6, 1971, a 12 year old boy, Daniel Flynn, Jr., rode his motorcycle into an abandoned mine shaft and fell 200 feet to his death.

The shaft is located near Red Mountain in San Bernardino County on public land in the Bakersfield District described as the NE¹/₄NE¹/₄, Section 7, T. 30 N., R. 41 E., M.D.M. The shaft is South 32°27' W 1,023.1 feet from the N.E. corner of Section 7 and just south of the patented Exposed Fissure Lode Extension owned by Mines Exploration, Inc.

The boy came to this area with his father and other members of the Prospectors Motorcycle Club for an "enduro" race to be held on Sunday, February 7, 1971. The Club had obtained permission by letter of authorization from our Bakersfield District (item 3). They also had obtained permission from Mines Exploration Inc. to use private lands in the area (item 4).

The attached letter (item 1) from Dave Smith, a club member, illustrates the concern over such hazards. On page two of the letter he states "I feel without the present situation and BLM we would not have been there and one more kid might still be around". The Club had previously requested another area but were turned down for a number of reasons. Events that occurred prior to issuing the permit are discussed in the memo from the Bakersfield District (item 5). As mentioned in the memo and Mr. Smith's letter, the Club was aware the area contained mine shafts. The first loop of the race was in San Bernardino County and the second loop was in Kern County.

1-20-5 1940
4-29

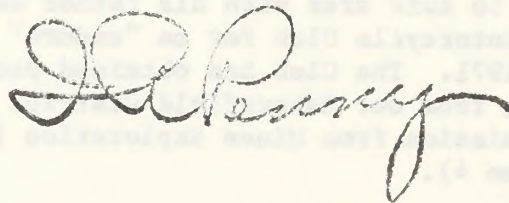
The shaft is unmarked except for the mound of extracted material surrounding it (see photo & maps item 2). It is approximately three quarters of a mile south of the pit area at Red Mountain and one half mile from the enduro course. The boy was out riding by himself the day before the race.

The Sheriff's Department asked BLM to cooperate in "ascertaining whose responsibility lay in the ownership of the shaft". There are 4 x 4 posts in the area of the shaft but they are unreadable. Projected on a 1925 Mining Bureau map the shaft is located on the unpatented Little Jack Lode. Our people roughly estimate the mine has not been worked for 20 or 30 years. Mines Exploration, Inc. has denied responsibility for the shaft. Riverside District is checking further in the San Bernardino Co. records but so far they have not discovered the owner of the shaft.

Bakersfield issued the permit on short notice so the Club would have a place to hold their event. We do not have funds or manpower allocated to check on the many requests for permits.

This case further amplifies the problem in resource management and the serious public safety hazards resulting from abandoned mining claims on public land. We are unable to cope with this problem either legally or financially. Mr. Smith's letter illustrates the concern, reaction, and hope that something will and can be done.

We have the full file in the State Office if further information is desired.



Enclosures

RPGormley:cw

August 1964

(Formerly A1-150)

UNITED STATES GOVERNMENT

IN REPLY REFER TO:

DEPARTMENT OF THE INTERIOR

9240

BUREAU OF LAND MANAGEMENT

Redding, California 96001

Memorandum

DATE: September 9, 1970

TO : State Director, C.03b

FROM : Acting District Manager, Redding

SUBJECT: Analysis of BLM Enforcement Requirements

At the present time there is no enforcement as such in this district. The need exists, however, relative to several different functions.

Land managers are at times challenged both in the recreational areas, and throughout the public lands by rowdy lawless elements.

Our Douglas City campground has been visited by various ruffians during the past summers. Although various camping courtesy rules are posted, the camp attendants are physically, and legally, unable to handle problems of rowdyism when they occur.

Other situations pertain to the private party posting of federal lands, and barring public access to the BLM lands. Although this problem can be eventually solved, an immediate method to remedy the situation is unavailable to the Bureau.

Mineral materials thefts have plagued this district for some time. The fact that the trespassers are only charged for the value of the material removed with no punitive damages and, perhaps, a lax attitude have encouraged this undesirable situation.

Smaller trespass poses a real problem. Christmas trees, firewood, sand, gravel, and various other materials are removed, where the values received from trespass damages is not a deterrent, and this just adds fuel to the trespass fire.

The solution, of course, would be to give BLM regulations the status of ordinances with prescribed punishment for violations. Direct citation authority on the spot would be a tremendous asset. Arrest authority should be limited to those personnel specially trained and should be exercised in those cases involving personal injury and where the serious offender is not in possession of valid identification.

Citation authority could and should be given to most permanent field personnel after screening and training.

Since enforcement, as such, is a controversial subject among resource types,

I think a special force within the district should be organized to enforce the arrest authority. Each district should have special vehicles, properly identified, and equipped with sirens, radios and lights.

These vehicles should be used a routine patrol schedule throughout the BLM lands. Their main function would be to act as a deterrent and a secondary, spinoff benefit would be to help improve public relations.

The enforcement-information personnel should be selected for their tactful natures and demonstrated diplomatic skills. They should then be exposed to special training by the FBI, Border Patrol, and/or Highway Patrol as appropriate. Their principal function should be to furnish the enforcement (citation authority) and skilled public relations.

In the interim period before citation or enforcement authority is granted to the Bureau, a select few in each District can be deputized either county-wide, or by C.D.F. & G. as deputy wardens to enforce various state and county laws which may be applicable to the Bureau.

At the present I have two individuals who have some training and desire involvement in this type of work. They are Bob Fay, Central Resource Area Manager, and Bob Schmidt, Unit Forester on the North Resource Area. Mr. Schmidt would require specialized training. He has proven capabilities in getting tough situations solved. Mr. Fay has been interested in law enforcement for a number of years. He is already a deputy warden and has some training with C.D.F. & G. and the military. He has expressed an interest in getting into this type of work should it ever become a reality in the BLM.

In summary I am suggesting the consolidation of public relations with enforcement. An informational and educational approach prior to actual enforcement would do much to alleviate the more or less innocent violations. With a properly organized program, violations can be minimized.



P-1541-1
August 1964
(Formerly A1-150)

IN REPLY REFER TO:

UNITED STATES GOVERNMENT

Memorandum
RECEIVED
BUREAU OF LAND MGMT

DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
Redding, California 96001

9240

DEC 2 7 49 AM '70

CALIF. STATE OFFICE
SACRAMENTO, CALIF.

DATE: DEC 1 1970

TO : State Director, C.03b

FROM : District Manager, Redding

SUBJECT: Vandalism - Law Enforcement

The attached photos show evidence of some vandalism which happened in the past. The photo of the comfort station shows the top smashed in with rocks, the signs for Men and Women were removed, and the tissue dispensers shot full of holes.

Generally, STOP signs, and other large signs receive most abuse from target shooters in moving vehicles. Other examples of vandalism include:

- Theft of money boxes (Golden Eagle) or breakage.
- Theft of car counters.
- Theft of Tables.
- Theft of signs of various types.
- Theft of boat dock in Sacramento River.
- Theft of gates
- Theft of fence posts marking plots.

General abuse includes carving on trees, buildings, signs and tables.

In several instances vehicles were driven through recreational sites off designated roads, destroying planted trees.

Barriers were smashed, and wood posts were burned. Our rangeland drills had the tires punctured and parts removed. Many locks have been broken on locked gates. There have been instances where road location survey stakes were removed.

One of our more flagrant forms of vandalism is the digging into of Indian graves and campgrounds, and the removal of Indian artifacts.

Although not vandalism, the campground caretakers have encountered several instances of obnoxious individuals. This ranges from all night parties to verbal abuse of the caretakers.



Attachments



ARCHAEOLOGICAL RESEARCH INC.

A NONPROFIT SCIENTIFIC CORPORATION

1641 Monrovia Avenue
Costa Mesa, California 92627
(714) 645-0835

September 24, 1970

	Initial	Date
1 BD		9/25
2 ASD		
3 LGM		
4 RPM		
5 ENG		
6 P.DEV		
7 LGE		
8 ADM		

ACTION BY _____
RETURN TO _____

REGULAR MEMBERS

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ELERTH S. ERICKSON
Executive Vice President

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Advisory Board Chairman
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Las Vegas

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Berkeley

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Museum of Natural History

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Paleontology
University of California
Riverside

FREDERICK C. WORMAN
Archaeologist
Los Alamos Scientific Lab
Los Alamos, N. M.

Mr. Russ Penny
State Director
U.S. Department of the Interior
Bureau of Land Management
Federal Office Bldg.
2800 Cottage Way
Sacramento, California

Dear Russ,

The enclosed copy of an article from the San Bernardino County Museum "Newsletter" is self explanatory. (It is also sickening). I realize that we are all trying our level best to implement the Desert Study program as quickly as possible. Such occurrences as this are just plain uncontrollable at the moment.

I know that budget is one of the biggest problems the BLM faces. I know that you and the Bureau are doing everything humanly possible to see that these irreplaceable resources are protected. The raw fact, however, is that in highly utilized, critical areas (Black Canyon, Yuha Desert, Imperial Dunes, etc., etc.) this destruction is occurring daily.

Isn't there any way to appropriate at least a minimal amount of funds to cover some of these very critical areas? In a few years there won't be anything left to record!

How about approaching the problem from a public relations standpoint? I don't mean the small local newspaper routine - I mean the Governor. Could someone get Reagan (and Unruh for that matter) to make a public appeal in their campaigns to the people of California, to regard these particular resources as being irreplaceable public properties which should be preserved for future generations.

Best Regards,

Roger J. Desautels
Roger J. Desautels

*answered by
phone*
DRP

cc: Paul Schumacher; Jack Wilson; Bob Springer; Dillard Gates

UNITED STATES GOVERNMENT

Memorandum

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

800 Truxtun Avenue, Room 311

Bakersfield, CA 93301

0401-B4

DATE: FEB 8 1971

TO : District Manager

FROM : District Wildlife Specialist

SUBJECT: Field Trip to Saline Valley

On February 4, 1971, Clint Lostetter, B.S.F.&W., Jim Blaisdell, N.P.S., and Dr. Dale McCullough, Professor of Wildlife and Fisheries Management at the University of Michigan (members of the Interagency Tule Elk Task Force) and myself made a field trip to Saline Valley. The primary purpose of the trip was to examine the marsh area in the southwest portion of the valley as a possible transplant site for Tule Elk. The feelings of the group were that the area had no immediate potential as a transplant site for Tule Elk.

During the course of the trip, we met several vehicles on the Saline Valley Road. Most of the vehicles appeared to have recreationists in them. There were two pick-up campers with motorcycle trailers camped by the side of the road near the old Wilson Ranch on Lee Flat. There was no activity at the campsite either time we passed by it. It is assumed that the people were riding their motorcycles cross country somewhere in the Lee Flat area.

We talked with Bill Clark (a C.D.F.&G. employee on vacation) on the road to Lower Warm Springs. He had his family with him and was planning to spend a few days camping in the Lower Warm Springs - Palm Spring area. He said that he had heard that the large group of "hippies" which had been camping at Palm Spring had left on January 27th.

We did not go closer to Lower Warm Springs than the artesian well on the road to the springs. The area around the well is a filthy mess. Burro hunters have been camping there and large piles of horse and burro manure can be found throughout the area as well as large amounts of decaying hay. There is a great deal of garbage in the area, empty cans, etc. Also, there are piles of human feces throughout the area with streamers of toilet paper under almost every bush. People have been cutting down trees in the area to be used as firewood and there are the remains of many old campfires. This area appears to have had heavy use the last few months.

Leon E. Berggren

UNITED STATES GOVERNMENT

Memorandum

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

District Office
168 Washington Avenue
Ukiah, California
95482

DATE: SEP 4 1970

TO : State Director, California (C.03b)

FROM : District Manager, Ukiah

SUBJECT: Misuse of Public Land and Facilities Within the Ukiah District

Generally speaking, the Ukiah District is still "undiscovered", at least from the standpoint of being invaded by large organized, recreationally oriented groups such as the bike riders, jeepsters, etc. Perhaps, the undiscovered nature is attributed to the landlocked character of the district Public Domain lands. Coupled to this is steep brushy terrain which prohibits indiscriminate cross country use and wide spread destruction. What exposure we have had in the past several years involves small local groups of jeep enthusiasts who were well organized and disciplined. Year to year observation has indicated an increased number of trail bikes, mini bikes and jeeps are using the back country roads and trails. I believe, however, that it is safe to conclude that damage to land and improvements to date have been caused by either "casual" weekend campers, transient hippie types or individual jeep enthusiasts and bike riders.

The following are a few of the incidents which have occurred during the past three or four years throughout the district:

- 1) An incident that was reported early this spring by a camper using the Cache Creek area concerns a number of "Honda" riders making excessive noise and dust in an area predominantly used by recreationists. Several of the users, who attempted to restore tranquillity, were met with a barrage of profanity and a cloud of dust. In an effort to curtail further disturbances of this nature, the area was posted prohibiting the use of bikes.
- 2) Our King Range maintenance man reported that he had discovered that several "local" people had uprooted permanent log barriers adjacent to camp sites to facilitate the parking of campers and trailers.
- 3) About 3 years ago, when Shelter Cove Subdivision was being constructed in the King Range area, several workmen and their families took up permanent residence in one of the camp areas and refused to vacate when asked to do so. Ejectment was facilitated through legal means involving the Solicitor's Office and Sheriff's Department.

- 4) Approximately 6 weeks ago, a jeep owner, his wife, child and several friends decided to drive some of the precipitous back country jeep trails in the Cow Mountain area. Inexperience and perhaps carelessness resulted in the death of the driver and injury to his family and friends.
- 5) Early this spring, an officer of the local jeep club was killed in a similar accident when his jeep overturned while hill climbing on a piece of private property adjacent to Public Domain land in the Cow Mountain area.
- 6) By way of the news media, we learned that the Deputy Sheriff in the Willits area apprehended an individual while in the course of dumping refuse on a parcel of Public Domain land. The individual was required by the Sheriff to remove same.
- 7) The demise of the old Coast Guard Station at Punta Gorda was hastened by the blatant disregard of No Trespassing signs by sightseers and hippie types. Entry and use of the buildings were determined by the district to be a hazard to life and health due to the deteriorated condition of the structures. After deliberation concerning destruction vs. restoration, destruction won out and the buildings, excepting the lighthouse, were burned.
- 8) Our force account crews, on occasion, had reported that individuals had dumped animal entrails and/or garbage into wildlife drinking facilities.
- 9) Water spigots on water holding tanks which provide potable water to campground facilities have been deliberately left open and tanks drained. In one instance it took seven days to refill such a tank due to the diminished water flow from a nearby spring.

Mr. Bob Richardson, Undersheriff of Mendocino County stated that their department has not found it necessary to respond to complaints of lawlessness on the public land except those instances illustrated above. He did bring out one area that someday may become a problem to us and that is the establishment of hippie communes throughout Mendocino County. At present they have intelligence on 50 established communes. Interestingly enough, these communes are on private lands surrounding State Parks, National Forests and public lands. Should law enforcement agencies begin to clamp down on these communes, it would appear that these hippie types would attempt to move to the adjacent public lands to avoid what they term is harassment, if not resorting to even more drastic actions.

Although our recreational program is presently limited in nature, it is estimated that approximately 3 MM/year are expended in cleaning up and repairing damaged and vandalized facilities, 2 MM of which are used in picking up litter and trash. The following is a rough cost estimate of cost incurred by the District in repairing damaged property and improvements:

1) Shot-up garbage cans - - - - -	10/yr. @ \$6.00 ea.	\$60.00
2) Toilet replacement (shot up, mutilated, etc.) - - - - -	1/yr. @ \$150.00	\$150.00
3) Signs-portal, directional, informational (shot-up, stolen, destroyed) - - - - -	12/yr.@ \$50.00 ea.	\$600.00
4) Water line (cut) - - - - -	3/yr.@ \$75.00 ea.	\$225.00
5) Repair of picnic tables - - - - -	9/yr.@ \$30.00 ea.	\$270.00
6) Uprooted fireplaces- - - - -	3/yr. @ \$10.00 ea.	<u>\$ 30.00</u>
		\$1,335.00

We trust that the above information will allow the committee to get a grasp on the diversity of enforcement problems facing the Bureau.

John F. Lantz

Mr. Jack Wilson
District Manager
U.S. Bureau of Land Management
PO Box 723, Riverside, Ca 92502

Sir:

1	AD	8/18/70	3
2	ASD		
3	L&M		
4	RPM		
	ENG		
	P.DEV		
	I&E		
	ADM		
ACTION BY			
RETURN TO			

8-18-70

A friend informed me of a conversation which took place recently at Cottonwood Camp in McCain Valley, between yourself and my friend, regarding the use of motorcycles in the area. As I understand the situation, your Office has received letters of complaint from campers protesting the riding of motorcycles, and that there is a possibility of the park being closed to all motorcycles. Since you have put forth considerable effort to investigate both sides of the story, I wish to compliment you and express my appreciation for your desire to be as fair as possible.

I am not a motorcyclist, and I believe that I have more reason than the average person to dislike them because I live in an area where they abound, and am subjected to them every day. We should not, however, overlook the fact that motorcycles are increasing in popularity by leaps and bounds, and that they are here to stay. Obviously we must find a path somewhere in the "middle of the road", and learn to live with them, as we must do with other things every day, since changing and adjusting is part of our way of life.

It strikes me that there are two things which should not be allowed to happen. First of all, it would certainly be an injustice to persecute the ever-increasing motorcycling public because of the transgressions of a few who take their pleasure without regard for the rights of others. The closing of a public area to motorcycles would seem to be an easy solution to a difficult situation, however this seemingly easy solution could quite easily result in a "snowball" effect, eventually leaving the multitude of motorcycling public with few places, if any, to enjoy their sport, and all this only to please a disgruntled few. Secondly, the minority who are primarily responsible for causing the difficulty should, obviously, not be allowed to continue annoying their fellow campers and neighbors, resulting in a bad name for what must be a pleasurable pastime. Surely there is a way to regulate the use of motorcycles so that personal safety, preservation of natural resources, and the rights of others may be served.

I am convinced that the large majority of motorcyclists has no desire to cause discomfort to others, and would gladly make reasonable adjustments to keep this to a bare minimum. In addition, I am sure that the large majority of the non-motorcycling public would easily be able to "live and let live" if the unthinking few were placed under whatever controls may be necessary.

It is, of course, impossible to please everyone, and I am glad that it is you and not I who must resolve this problem. I sincerely hope that you will be able to discover a solution which will be most equitable to parties on both sides of the fence.

Very truly yours,

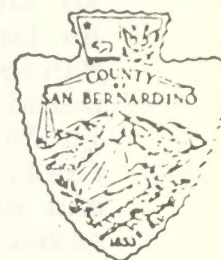
Jim Kuykendall

Jim Kuykendall
PO Box 2456, La Mesa, CA 92041

INTER-OFFICE MEMO

DATE July 20, 1970
FROM Neil B. Pfulb, Director
TO File

	Initialed	Date
3 AD		
ASD	7/2	7/2
L&M		
2 RPM		
ENG		
P.DEV		
I&E		
ADM		
ACTION BY _____		
RETURN TO _____		



SUBJECT Interdepartment Meeting Regarding Off-Road Vehicles

On Wednesday, July 15, 1970 a meeting was held in the Planning Department Offices, attended by Mr. Russell Penny, State Director of BLM; Jack Wilson, District Manager, BLM; Smith Faulkner, Regional Park Director; Bob Angel, Field Assistant; Mr. Betterly, Neil Pfulb, Planning Director.

Purpose of the meeting was to discuss the current problems occurring on the desert through activities in use of off-road vehicles such as motorcycles and dunn buggies and to explore possible solutions to those problems. All present had received copy of the recent publication entitled, "Orvac" which represented the study and recommendations of a committee organized under the auspices of Bureau of Land Management and published through their efforts. The results of this Committee effort forms a basis of the existing policies of Bureau Land Management regarding the use of public domain by off-road vehicles. There was extended discussion concerning the difficulties of enforcement of any regulations due to a variety of factors including lack of enforcement authority and enforcement staff by BLM, insufficient personnel to cover the vast distances involved by the Sheriff's office, as well as an absence of clear legal authority for identification of riders and their vehicles and the vast numbers of persons coming out of the metropolitan areas utilizing the open spaces of the desert. County Representatives emphasized the fact that desert residents and property owners have reached a state of hysteria in complaining to their elected representatives and officials regarding the indiscriminate use and abuse of private property by these vehicles.

There were some in depth discussion regarding certain locations on the desert which now are experiencing concentrated use. These included El Mirage Dry Lake area and Dead Man's Point area. Investigation of property ownership indicates that by far, the

majority of the property in the El Mirage area is privately owned except several hundred acres which is located immediately in the center of the dry lake itself. The idea was explored as to whether or not it would be possible for Bureau Land Management to issue a special use permit or some other form of permit to a sponsor such as the County who in turn would attempt to develop a program of organized use under a system of permits fees, and the permit fees used to offset the cost of policing and enforcement. Exploration of the same idea was discussed at several other locations in the desert, and the response from Mr. Penny was that such a idea was possible; however, he was unable to give a firm commitment under existing policies. Mr. Wilson, District Manager, indicated that their office would be willing to work with local officials in the selection of some areas and the development of a specific program for the managed use of the area through the cooperation of local government and his office.

It was emphasized that the present policy of the Bureau Land Management states that all public domain lands are open for use by off-road vehicles at the present time. It is apparent however, that most of the intense use of the desert areas by these vehicles is now occurring on that part of the desert which is predominantly private land. It appears that there is lack of information in direction given to those using these vehicles in order to divert some of the use, if not the majority of it, on to public land. On the other hand, it is apparent that Bureau Land Management does not wish to promote this diversion due to the fact that such use would have a severe detrimental impact on the historical and ecological values of the desert.

There was considerable discussion regarding the problem of liability which could fall upon any public agency or jurisdiction assuming a responsibility for planning and operating a system of trails or use areas for these vehicles.

Meeting concluded with general concurrence on the following points:

1. The local governing bodies and advisory bodies, such as Board of Supervisors, Planning Commissions, may wish to take official action in support of the recommendations contained in the Orvac report.
2. Since the State Advisory Board of Bureau of Land Management has recommended establishment of local advisory committees to advise the BLM on this problem, such a local advisory committee should be appointed in San Bernardino County. This local advisory committee should be made up of representatives of the user groups, together with representatives of conservation groups, property owner groups,

and government agencies such as law enforcement, planning, parks and recreation, and so forth. The advisory committee might first be recognized by Bureau of Land Management and also be recognized as an Advisory Committee under the Desert/Mountain Planning Agency so there would be a direct input from this committee not only into the programs of the Bureau Land Management but into the programs of the local governments and agencies concerned.

3. Local governmental bodies should adopt resolutions in support of the need for State registration requiring licensing of vehicles to assist in identification and producing revenues to assist in enforcement as well as support for Federal legislation which has already been introduced to provide more authority and financial resources for enforcement on the part of Bureau of Land Management .
4. The first priority task for the recognized local advisory committee would be the development of a specific interim program to control these uses. Emphasis would probably have to be on those programs which would encourage voluntary cooperation through a dissimulation of information to the user groups and direct contact in the field, particularly along the major highways leading into the desert areas on week-ends. The emphasis in this kind of a program would be a looking toward "people management".
5. A long term objective of this committee would be to assist in that part of the desert plan study having to do with off-road vehicle use and particularly as it relates to inventorying those areas which could be used without destruction of historical/ecological values.

Penny particularly felt that an appointment of the local advisory committee was an important first step to assist him in focusing the attention of Bureau Land Management on these problems in this area.

There was general agreement on the part of County representatives at the meeting that major responsibility for this effort should be placed in the hands of Regional Park Commission and Regional Park Department since the problem is primarily one of managing a recreation use and since the implementation of any program for correcting these problems would probably rely on the planning, construction, and management under the jurisdiction of Regional Parks Commission and Department.

North Bloomfield
Star Route
Nevada City, Calif.
November 1, 1970

11/1/70 Copy to Mr. Johnson

	Initial	Date
ASD	<i>EJL</i>	<i>11/1/70</i>
L&M	<i>W</i>	<i>11/1/70</i>
RPM	<i>R</i>	<i>11/1/70</i>
ENG		
P. DEV		
L&E		
ADM		

ACTION BY _____
FOCUS TO _____

E.J. Peterson
Acting Director, Bureau of Land Management
2800 Cottage Way, Room E-2821
Sacramento, Calif.

Re: C4-R
C4-1025

Dear Mr. Peterson:

I appreciate your reply to my letter to Rep. Bizz T. Johnson. In the time since my first letter I have moved to the Nevada City area and have therefore pursued the whole question of Edward's Crossing further. Let me reply to several of the points you made, using either first hand observation or discussions with people who have lived near Edward's Crossing for some time, including a couple who lived in one of the cabins while it was still a mining claim.

First, as I am by profession a sociologist, I deal constantly with stereotyping and labeling processes. It seems that what is happening here is an attempt on your part, and others in Nevada County, to lump together a very diverse group of people under the label 'hippy', then stereotype this group as socially irresponsible and dirty, and then use your own stereotype as an excuse for exercising social sanctions against everyone who can be identified with the group-- using attire as the prime means of recognition.

The immediate issue, of course, is whether it was necessary or desirable to tear down the two cabins and, once having torn them down, how the remains should have been disposed of. You say the Edward's crossing area lies in the middle of the six miles of trail. Yet you also say that this is as yet a proposed trail. So it does not seem logical that the cabins were torn down to open up the trail. In fact, as I mentioned in my previous letter, there already was an existing trail which the cabins did not obstruct but which ~~were~~ obstructed by the remains of the cabins which your men left.

Your statement that 'hippies' or 'transients' accumulated unsightly trash at an increasing rate is, so far as I can ascertain, untrue. The car bodies you mention have been there at least four years. About two years ago one cabin was constructed about 200 yards from the first cabin. But no lean-to's were built.

You say "it became necessary to tear down the buildings in July...in order to inhibit the unsanitary and illegal use of the area...."

Yet to say this is to show that you have only an outsider's view of what was happening there and thus misconstrue the facts. It is true the mining claim was invalidated and technically that made the occupancy of the area illegal. However, instead of being, as you imply, unsanitary accumulators of junk, the inhabitants of these buildings served several functions that should be fulfilled by the BLM and are not.

In the first place they maintained the only privy there. Excrement was caught in a bucket, treated with ashes and buried. Since this was the only privy, destruction of the cabins in fact made the area unsanitary. BLM has provided no sanitary facilities, whatsoever. Now you may say that you do not have the funds. Yet you built a campground with an expenditure of many thousands of dollars. Presumably you wanted to draw people into the recreation area. (Although up to now the campground gets little use.) Yet there already was a recreation area getting frequent use from a wide variety of people -- namely, Edward's Crossing. You have the money to build outhouses, picnic facilities, roads, etc, where there are no people, but you don't have the money to build even one outhouse where there already are lots of people? And since it is a river site it is obvious that without sanitary facilities being provided people will pollute the river. If 'hippies' among others are unsanitary at Edwards Crossing, the blame clearly lies with you for not providing facilities.

Besides providing a toilet, however, the residents of the cabins provided another service -- that of picking up trash. Since it was their home they policed the area below the cabins and up to the swimming hole.

You say again that the 'hippies' are responsible for trash upstream for many miles. (Perhaps you could do something to get the community of Washington to stop dumping their raw sewage in the river, too.) I have no way of knowing, nor do you, who leaves the trash along the river. However, I have hauled several gunny sacks of it away myself and the bulk of it is beer cans and wine bottles. Now the 'hippies' I have known do not drink much alcohol, preferring other vices, and they are more careful of their diet than to drink lots of coke or beer or wine. In any case, the litter everywhere in America is ample evidence that a sizeable proportion of Americans are piggish in their habits; there is no need to use hippies as a scape-goat for that.

Getting back to the trash along the river, much of the blame for it must go to the BLM. You do not provide even one trash can for the highly used river area, although you have numerous ones at the little-used campground above the river. At several points during the summer, most recently two weeks ago, 'hippies', either living on the river or in the area have organized river clean-up parties.

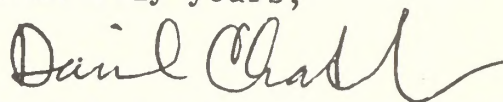
Once before, and this time too, they have even provided cans to put the trash in. You would provide a far greater service if you took a few of the trash cans from your developed areas and put them where the actual use and need is.

Finally, on the original issue that I wrote about, namely, the fact that you left large amounts of unsightly trash when you destroyed the cabins. If you don't have manpower to dispose of the trash, why did you tear the cabins down? You may have carried four pick-up loads away, but you left much more than that and not just the roofs. As I mentioned the trash blocks the path as the cabins never did. Also, I fail to see how the winter is a more suitable time for disposing of car bodies than the summer.

In conclusion, it appears to me that in response to pressure against 'hippies' and acting out of false stereotypes and misinformation you trashed the cabins in a completely unthoughtful way, leaving your trash the way others leave beer cans because there were no facilities to take care of it, although your primary failure is in not providing the sanitary and trash-collection facilities that the area demands.

I am so vehement on this issue not because I am a 'hippie lover' -- there are responsible 'hippies' as well as irresponsible, just as there are in any group-- but because I do not like to see any group become a scapegoat. Facism is institutionalized scapegoating. Our country deserves better than that, as does Edward's Crossing.

Sincerely yours,

A handwritten signature in cursive script that reads "Daniel Chandler". The signature is fluid and somewhat stylized, with a long, sweeping underline.

Daniel Chandler

Copy to Bizz T. Johnson

UNITED STATES GOVERNMENT

Memorandum

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

800 Truxtun Avenue, Room 311

Bakersfield, CA 93301

DATE: NOV 19 1970

TO : District Manager, Bakersfield

FROM : James A. Hartzell
Range Conservationist

SUBJECT: Vandalism

We received a call from Mr. Lefty Dennisson, foreman for the Rudnick Trust, on November 19, 1970. He called to report vandalism to their Lienburger Camp on public lands on the weekend of November 14-15. Buildings were torn down and the wood was used for camp fires. I told him to report the vandalism to the local Sheriff's Office and to ask for help to patrol the area on weekends.

James A. Hartzell

RECEIVED

RECEIVED
B. OF LAND MGMT

17 10 39 AM '71 MAY 14 10 00 AM '71

LIF. STATE OFFICE
CRANFORD, CALIF

LAND OFFICE
RIVERSIDE, CALIF.

May 12, 1971

Director
Bureau of Land Management
U.S. Department of the Interior
Washington, D. C.

Dear Sir:

I am writing this letter in regard to a camp ground facility operated by your office in the Mc Cain Valley area of San Diego County, California.

This is a (4) camp ground facility open to the public free of charge, located on a large area of Bureau of Land Management land, most of which is based under the Taylor Grazing Act.

My office keeps getting numerous complaints from citizens camping as well as persons leasing property, regarding offensive conduct by people in the camp grounds: committing such acts as shooting in camp ground areas; the shooting of several animals in and near camp grounds (cattle); destroying signs; destroying water troughs used for watering cattle; abusive use of motor driven vehicles in camp grounds, on trails, and chasing cattle. Vehicles used are tote goats, trail bikes, sand buggies, etc. There are frequent complaints of teenagers drinking and other complaints.

Apparently there is no enforcement of camp rules other than by the local sheriffs who are quite busy with the general populated areas of the district.

It appears there is a great need for an enforcement official from your department to patrol and maintain law and order for the benefit of the law abiding persons attempting to utilize the camp grounds.

To	Initial	Date
SD	DAF	5/15
A&D	DAF	5/15
ISE	DAF	5/15
PCS		
Adm		
RPM	DAF	5/20
Eng		
Cud		
Car		
MAC		
L&M		
SuH		
R&P		

Action By _____
Return to _____

The state parks and county parks are able to set up and enforce rules in their parks with the use of park rangers, and the people are happy and cooperative with this situation.

These camp grounds under your jurisdiction are very nice, but the people are free to do what they please, and those few offenders constantly go about doing as they please without worry or retaliation. The maintenance man cannot control these people as he has no authority and is just laughed at when he attempts to confront any rule violator.

It is suggested that a Ranger be appointed to supervise this area, so that protection can be afforded to the law abiding campers who appreciate the camping facilities in the Mc Cain Valley recreation area.

Apparently your local office has attempted to implement some sort of enforcement, but lack of funds, or some other reason for not doing so.

I would appreciate whatever consideration you can give this matter, of which we feel is of great importance to our community.

Sincerely,

Alfred H. Dart
Judge

cc: Jack F. Wilson
Bureau of Land Management
Riverside

AHD:gjd

This is why I feel so strongly about the importance of my proposal to provide a minimum income through social security of at least \$150 for a single person and \$225 for a couple. Nearly every responsible expert agrees that this income is on the brink of poverty in the United States. I do not see how we can in all honesty say that \$1,800 is the basic minimum for the general population and then deny this amount to our senior citizens who have contributed so much to the wealth of our country.

I believe that the best approach—at least for the present—to guaranteeing our senior citizens a minimum income is through social security. Social security benefits remain the major source of income for most retirees. The social security system has proven to be a fast and effective way to deliver income assistance at retirement. In support of the social security approach to income maintenance, Nelson Cruikshank, president of the National Council on Senior Citizens, Inc., in recent testimony before Senator WILLIAMS' subcommittee said:

Of all persons 65 or older, nine in ten now receive, or are eligible to receive Social Security benefits. This fact, in combination with the urgent need for action documented by the findings above, clearly indicates that the fastest and most direct way of improving the income situation of the total aged population is through an increase in the benefits of the Social Security system.

My choice of the social security system as the means for providing immediate help for senior citizens is not meant to preclude careful consideration of alternative measures for income guarantee for our aged; for example, proposals for a negative income tax or a guaranteed annual income. But I feel strongly that the severity of the situation facing our elderly today demands immediate action. We cannot afford to wait until alternate approaches have been tested.

I realize that it will be said that many senior citizens have outside sources of retirement income which would preclude the necessity of a \$1,800 or \$2,700 a year minimum. My bill would take this condition into account. Without causing anyone to suffer a reduction in payments, my bill would provide that the minimum payments be payable only in the absence of outside income or as a supplement to this income wherever it is less than the income considered at the poverty threshold. In this way, we will be able to reach the thousands of senior citizens who, because they have worked in low-paid or seasonal jobs, are forced to live on incomes below \$150 a month. I think all would agree that this is woefully inadequate. The only way of providing them relief through social security is by assuring them a minimum benefit level.

I must admit, very frankly, that I have considered other approaches to reaching these people but have found them to be inadequate. One alternative I considered was an across-the-board increase in social security payments beyond the 10 percent the Senate voted on last year. However, when we increase social security benefits on a percentage basis, we

are, in effect, intensifying the inequality of income among the aged. A person receiving \$64 a month at the present time, for example, is not going to be helped very much if we give him a 15 percent increase, thereby bringing his \$60 a month to \$69.

I also considered the proposal for removing the income limitation which would have the effect of allowing senior citizens to earn outside income without suffering any loss in their social security benefits. But again, this would have the effect of granting benefits only to the working elderly, leaving less funds for the nonworking elderly, whose incomes are lower.

I would like to emphasize that my proposal for increasing the minimum income of those receiving social security benefits has considerable acceptance among senior citizen groups and various task forces which have studied the problem. Last year, the President's Task Force on the Aging reported as its first recommendation raising the incomes of all older Americans above the poverty line. William C. Fitch, the Executive Director of the National Council on Aging, in his testimony before Senator WILLIAMS' subcommittee, stated that raising the minimum standard of benefits for the elderly under social security should be the first step taken toward meeting the economic needs of the elderly. His recommendation was endorsed by 400 representatives of public and voluntary agencies who were called together by NCOA for the purpose of establishing priorities for the 1970's.

I know that this proposal will be costly to finance, and I realize that we have a responsibility for insuring the cost of these additional benefits be borne in the most equitable and fair way. Recently, there has been a great deal of discussion about the possibility of financing any increases in minimum payments through the general revenues. Most notably, the Presidents' Task Force on Aging, in its report "Toward a Brighter Future for the Elderly," suggested that the Federal Government bear 100 percent of the cost of bringing the incomes of the elderly up to the poverty line and that these benefits be distributed through social security.

I think there are a number of apparent advantages to this method of financing. First of all, it would eliminate the necessity of asking those who have invested a great deal in social security to finance the payments of those who have contributed very little. Second, by restricting use of general revenues to only the financing of the minimum payments differential, we would know the limits of our costs and we would not run the risk of completely open-ended appropriations for social security.

But I know that many of my colleagues would suggest alternate methods of financing, and I do not want to foreclose discussion of these alternatives. For instance, I believe it is possible to finance additional payments in an equitable fashion by increasing the wage base. The Senate Finance Committee last year recommended to us a

raise in the wage base from \$7,800 to \$9,000. I believe the base could be further extended to absorb the cost of providing a minimum income level of \$1,800 to all those on social security.

Let us not forget that old age is not a far-out issue. It is a here-and-now issue and the solution of the problems of the elderly rests heavily upon our shoulders. Old age is as sure as tomorrow's sunrise and the only way to escape old age and its perplexities is to die young—and who of us would choose this escape?

By Mr. BEALL:

S. 919. A bill for the relief of Maria Ayala. Referred to the Committee on the Judiciary.

By Mr. BYRD of West Virginia:

S. 920. A bill to repeal the provisions of title II of the Social Security Act which provide for reduction of disability benefits on account of receipt of workmen's compensation. Referred to the Committee on Finance.

By Mr. JACKSON (for himself,

Mr. ANDERSON, Mr. CRANSTON, Mr. HART, Mr. HUMPHREY, Mr. MAGNUSON, Mr. METCALF, and Mr. NELSON):

S. 921. A bill to provide for the protection, development, and enhancement of the public lands; to provide for the development of federally owned minerals and for other purposes. Referred to the Committee on Interior and Insular Affairs.

Mr. JACKSON. Mr. President, I introduce, for myself and several of my colleagues, the "Public Domain Lands Organic Act of 1971."

Mr. President, one of the important responsibilities assigned to the Public Land Law Review Commission involved a careful survey of the so-called "public domain" lands in Federal ownership. These vast publicly owned land resources are administered by the Secretary of the Interior through the Bureau of Land Management. The report of the commission was submitted to the President and the Congress last June. The report also covers other categories of our Nation's public land assets which are not the subject of this bill. I served on the commission as did several of my colleagues on the Committee on Interior and Insular Affairs.

I have concluded, Mr. President, that the Government has long overlooked a valuable resource. This neglect of a largest single block of Federally-owned lands must come to an immediate halt. The Congress must share the blame for the lack of proper attention given these lands. Over the years we have legislated rather extensively concerning other categories of public lands such as national forests, parks and recreation and wilderness areas, but in my judgment, we have not placed the proper emphasis on the public domain lands that the public interest deserves.

During the past several months I have discussed with many interested citizens the need for an "organic" act for the lands under the jurisdiction of the Bureau of Land Management. This need has been demonstrated in hearings before our Subcommittee on Public Lands time

after time. Such an act is imperative to instill or at least enhance a sense of environmental concern over the approach to the management of these lands.

The President of the United States called attention to this problem in his February 8 environmental message to Congress in a section on "Public Lands Management." I would like to quote two very pertinent paragraphs from his message:

The Federal public lands comprise approximately one-third of the Nation's land area. This vast domain contains land with spectacular scenery, mineral and timber resources, major wildlife habitat, ecological significance, and tremendous recreation importance. In a sense, it is the "breathing space" of the Nation.

The public lands belong to all Americans. They are part of the heritage and the birthright of every citizen. It is important, therefore, that these lands be managed wisely, that their environmental values be carefully safeguarded, and that we deal with these lands as trustees for the future. They have an important place in national land use consideration.

I am pleased that President Nixon has recognized the need for the type of management tools and guidelines that the proposed legislation will give our public land managers. Now we must get on with the job of providing the authority.

However, it was felt, and properly so, that we should await the report of the Public Land Law Review Commission before introducing legislation. The report has been published for more than 7 months, and my colleagues and I have decided to introduce a bill now. I am not wedded to all of the specific provisions in it, but I am committed to the proposition that this kind of legislation must be enacted if we are to meet our responsibilities in properly husbanding a great public resource.

The public lands of the United States have always provided the arena where we Americans have fought for our dreams. Even today many dreams of wealth, home adventure, and escape are still being acted out on these farflung lands. They are a part of our national destiny. They belong to all U.S. citizens.

What we do with the public lands of the United States tells a great deal about what we are—what we care for—and what is to become of us as a Nation.

Until now our public domain lands—for the most part—have been neglected

They were carved from the left—that no one wanted for homesteads, parks, forests, or other uses considered more important. They have not even been properly named. But if this bill is enacted, they shall be known as "national resource lands." This is in keeping with other designations for Federal lands such as national parks, national forests, and national seashores, and hopefully will afford these lands the proper measure of respect which has been lacking.

The origin of the lands we are dealing with in this bill goes back 159 years to the establishment of the General Land Office in 1812. Under the Taylor Grazing Act of 1934, the Grazing Service was established. Then, in 1946 the Grazing Service and the General Land Office were combined to form the Bureau of Land

Management in the Department of the Interior.

In 1961, Congress passed the Classification and Multiple Use Act, a temporary authority providing the Bureau of Land Management with criteria to conduct a systematic effort to classify lands either for retention or for disposal. Some 150 million acres were classified, with strong participation by the public in the decisionmaking process. But that authority has now expired. The bill I am introducing today would continue this classification process, but the emphasis will be on retention and management. Without proper classification, land use planning and efficient management are virtually impossible.

The legislation directs that these national resource lands henceforth shall be administered on the principles of multiple use and sustained yield of the different values contained therein. The 6-year temporary authority to so manage these lands also expired last year, and the sponsors feel that such management principles should form the permanent philosophy of those charged with responsibility of caring for this national asset.

The bill would repeal many of the confused, obsolete land laws that now clutter up the statutes. For example, some of the acts earmarked for repeal include sections dealing with homesteading, desert land entries, townsites, parts of the Taylor Grazing Act, abandoned military reservations, patents for private claims in Missouri, townsites in Alaska, sale of public domain in Alaska, sale of isolated tracts, and related problems. By providing basic guidelines for the administration of these lands, the isolated, single purpose type of statute is unnecessary.

Other provisions of title I of the bill would impose fines of not more than \$1,000 and/or imprisonment for violation of public land laws, grant the power of arrest to authorized Bureau of Land Management officials, authorize advisory boards, and in other ways enhance and streamline the work of BLM.

One of the major beneficial effects of the bill will be an expanded use of the public domain lands for recreation purposes. These lands offer a largely untapped resource for meeting the burgeoning demands for outdoor recreation, particularly near some of our southwestern population centers. The bill also would require that wilderness values will be protected under the national wilderness system if qualified areas are submitted to Congress and approved.

Also, under the provisions of this Act, the Director of the Bureau of Land Management would be appointed by the President of the United States, with the advice and consent of the Senate. The language further specifies that:

The Director shall have a broad background and experience in public land and natural resource management, be selected from the Federal civil service, and be subject to removal only for cause or disability.

Formerly, the heads of the Central Land Office and the Grazing Service were both subject to confirmation. The importance of the office will be upgraded, and at the same time this will provide

an opportunity for public examination of the views of the Director.

Title II of the bill also changes the provisions of law concerning the way federally-owned mineral values are managed.

In short, it places the so-called "hard rock" minerals on a leasable basis which has been the method of disposal of oil and gas values since 1920.

No one is satisfied with the present system of exploration and exploitation of the Federal mineral values on our public lands whereby under the "location" system of the mining law of 1872 even the title to the surface of the land can pass for nothing. No environmental safeguards are now required. Our public officials have no real control or in some cases even knowledge of certain mining activity and the development which accompanies it. Roads may be constructed to get to a deposit without regard to a master plan for a forest or public domain area. Furthermore, exploration by heavy machinery can destroy fragile ecology without any requirement for restoration or rehabilitation.

Abandoned mining claims dot the public domain, casting clouds upon the title to property which belongs to all the people.

In short, Mr. President, 99 years is enough. There may have been good reason a century ago to provide for disposal of a young Nation's resources in such a manner to encourage settlement and growth, but no longer. Just as we have moved out of the era of the old, solitary prospector with pick and shovel into a highly sophisticated mining technology, we need also to modernize our method of administering our Nation's mineral resources. I believe a mineral leasing system is the most practical way of achieving the proper balance. We must assure access to these lands that are available under existing law for mining, but we must provide for the protection of the land and for the other values at the same time. It is not the purpose of the authors to prohibit mineral activity. Indeed the forecast is for more minerals for the Nation's economy, not less. However, we must update and provide sensible laws for the administration of the land and minerals.

Therefore, the goals and objectives which the Federal leasing program will seek to meet include preserving the environment while also providing a supply of minerals for the Nation to satisfy its economic requirements. The public will have an opportunity to participate in the program, and the Government will receive fair market value for the public resources in a competitive environment. Provision is made for permitting adequate time for the leasees to secure a fair return for their investment.

The bill also has a very detailed list of provisions which leases should include in order that the public interest be protected but at the same time gives the Secretary sufficient leeway to permit leasing in individual cases that reflects the greatly varying conditions found in various Federal mineral deposits.

Mr. President, I recognize that the implications of this bill are important,

and many special interests may feel that they will be adversely affected. I do not believe so. I think the bill prescribes a fair, reasonable, and modern approach to the administration of a large segment of our public resources. It serves the national interest, and it is a job that should be done. Indeed, it is past due. Upon leaving office as Secretary of the Interior two years ago, Stewart Udall remarked:

After eight years in this office, I have come to the conclusion that the most important piece of unfinished business on the Nation's natural resource agenda is the complete replacement of the mining law of 1872. Put simply, this obsolete and outdated statute inhibits the best kind of multiple-use management. It operates as an outright give away of vital natural resources.

Now is the time to proceed to consideration of this item on our national agenda. The committee will hold careful and thorough public hearings on this measure. All viewpoints are encouraged and will be examined by the committee. In view of the President's statement, we hope to have the full cooperation and support of the executive branch as we consider the bill.

Mr. President, I ask unanimous consent that the text of this legislation be printed at this point in the RECORD, and that following this a statement in support of the bill by Senator METCALF, one of the cosponsors, be printed.

There being no objection, the bill and statement, together with insertions, were ordered to be printed in the RECORD, as follows:

S. 921

A bill to provide for the protection, development, and enhancement of the public lands; to provide for the development of federally owned minerals; and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Public Domain Lands Organic Act of 1971".

TITLE I—PUBLIC LAND ADMINISTRATION

SEC. 101. The Congress recognizes that (1) the public lands administered by the Secretary of the Interior (hereinafter referred to in this title as the "Secretary"), through the Bureau of Land Management, are vital national assets that contain a wide variety of natural resource values including soil, minerals, water, air, plants, and animals, and (2) these lands should be administered, used, restored, improved, and protected for multiple use and sustained yield of these resources for the maximum long-term benefit of the general public, and (3) sound ecological management of these lands is vital to maintenance of a livable environment and essential to the well-being of the American people. Therefore, the Congress directs that these lands and resources shall be managed for tangible and intangible uses, including but not limited to (1) food and habitat for domestic and wild animals, (2) minerals and materials, (3) timber products, (4) various forms of outdoor recreation, (5) human occupancy and use, (6) the preservation of natural wilderness values, (7) watershed protection, and (8) other public values.

SEC. 102. As used in this title—

(1) "public lands" means all lands or interests in lands administered by the Secretary through the Bureau of Land Management, which shall be known after enactment of this Act as "national resource lands";

(2) "multiple use" means the management of the various surface and subsurface resources so that they are utilized in the combination that will best meet the present and future needs of the American people; the most judicious use of land for some or all of these resources or related services over areas large enough to provide sufficient latitude for periodic adjustments in use to conform to changing needs and conditions; the use of some land for less than all of the resources; and harmonious and coordinated management of the various resources, each with the other, without impairment to the environment or the productivity of the land, with consideration being given to the relative values of the various resources and to the ecological relationships involved, and not necessarily the combination of uses that will give the greatest dollar return or the greatest unit output;

(3) "sustained yield" means the achievement and maintenance of a high-level annual or regular periodic output of the various renewable resources of land without impairment of the quality of the land and its environmental values;

(4) "qualified governmental agency" means any of the following, including their lawful agents and instrumentalities—

(A) the State, county, municipality, or other local government subdivision within which the land is located; and

(B) any municipality within convenient access to the lands if the lands are within the same State as the municipality.

(5) "qualified individual" means—

(A) any individual who is a citizen or otherwise a national of the United States (or who has declared his intention to become a citizen) aged twenty-one years or more;

(B) any partnership or association, each of the members of which is a qualified individual as defined in subparagraph (A); and

(C) any corporation organized under the laws of the United States or of any State thereof and authorized to hold title to real property in the State in which the land is located.

SEC. 103. The Secretary is authorized and directed to permit the use of the nonmineral resources of the public lands to the maximum extent and under such terms and conditions as the Secretary finds consistent with the principles of section 101 of this Act and with the following goals and objectives:

(1) Provision of an adequate supply of resources to meet national, regional, and local requirements at reasonable market prices in a timely fashion.

(2) Protection, development, and enhancement of their outdoor recreational values for the maximum use and benefit of the general public, within the basic framework of multiple-use management, in a manner consistent with the Act of May 28, 1963 (77 Stat. 49; 16 U.S.C. 4601–4601-3), and in conformity with the statewide outdoor recreation plans developed under the Act of September 3, 1964 (78 Stat. 901; 16 U.S.C. 4601-4, 4601-11).

(3) Preservation of a quality environment for present and future generations of Americans.

(4) Management of Federal lands and resources under principles of multiple use and sustained yield.

(5) Preparation, maintenance, and preservation of the integrity of comprehensive and coordinated national, State, and local land use plans.

(6) Maintenance of an interdisciplinary approach to natural resources programs.

(7) Opportunity for the public to participate fully in the conduct of the public business.

(8) Payment by users of public lands and resources of fair market value.

(9) Adequate tenure and opportunity for

resource users to plan and develop use and development operations and to secure a fair return for their risk and investment.

(10) Maintenance of competition in the allocation and development of public resources.

(11) Prevention of undue concentration of ownership of rights to public land resources.

(12) Encouragement of efficiency in resource use and development and in protection and rehabilitation of the environment.

SEC. 104. (a) The Secretary shall develop and promulgate regulations containing criteria by which he will determine and classify which of the public lands under certain conditions and consistent with the goals and objectives of this Act may be disposed of because they are more valuable for residential, commercial, agricultural, industrial, or other public uses or development in non-Federal ownership than for management in Federal ownership. The criteria shall give due consideration to all pertinent factors, including, but not limited to, environmental quality, ecology, priorities of use, and the relative values of the various resources in particular areas.

(b) No such regulation or any amendment thereto promulgated pursuant to this section shall become effective until the expiration of at least thirty days after the Secretary or his designee has held a public hearing thereon. A notice of such hearing shall be given at least thirty days in advance through publication in the Federal Register.

(c) The Secretary or his designee shall give appropriate public notice of any proposed classification of lands for disposal, including publication in the Federal Register and in a newspaper having general circulation in the area or areas in the vicinity of the affected lands at least sixty days in advance of the proposed disposal. No such classification for disposal shall become effective until the expiration of at least thirty days after the Secretary or his designee has held a public hearing thereon if the Secretary determines that a timely and responsible request for such a hearing is received.

SEC. 105. Any classification of public lands in effect on the date of enactment of this Act is subject to review for possible reclassification in accordance with the authority granted by this Act.

SEC. 106. The Secretary of the Interior shall review every roadless area of five thousand acres or more on national resource lands under his jurisdiction on the effective date of this Act and shall report to the President his recommendation as to the suitability or unsuitability of each such area for preservation as wilderness, in accordance with the Wilderness Act of 1964 (78 Stat. 890).

SEC. 107. The Secretary shall as soon as possible establish boundaries for units of the national resource lands and shall provide adequate and appropriate means of public identification, including signs and maps.

SEC. 108. The Secretary is authorized to sell public lands that have been classified for disposal in accordance with this title. Such sales shall be in tracts not exceeding five thousand one hundred and twenty acres each to qualified governmental agencies at the appraised fair market value thereof as determined by the Secretary or to qualified individuals through competitive bidding at not less than the appraised fair market values as determined by the Secretary.

SEC. 109. At least ninety days prior to offering lands for sale in accordance with this title, the Secretary shall notify the head of the governing body of the political subdivision of the State having jurisdiction over zoning in the geographic area within which the lands are located or, in the absence of such political subdivision, the Governor of the State, in order to afford the appropriate body with the opportunity of zoning for the use of the land in accordance with local

planning and development. All sales shall be consistent with State and local land use plans and zoning.

SEC. 110. All patents or other evidences of title issued under this title shall contain a reservation to the United States of all mineral deposits. Patents and other evidences of title may contain such reservations and reasonable restrictions as are necessary to achieve the goals and objectives of this Act.

SEC. 111. (a) The Secretary is hereby authorized to acquire by purchase, donation, exchange, or otherwise such lands or interests therein as he deems necessary to provide access or otherwise facilitate the administration of the public lands.

(b) Notwithstanding any other provision of law, in exercising the exchange authority granted by subsection (a) of this section, the Secretary may accept title to any non-Federal property or interests therein and in exchange therefor he may convey to the grantor of such property or interest any public lands or interests therein under his jurisdiction and which he classifies as suitable for exchange or other disposal and which is located in the same State as the non-Federal property to be acquired. The values of the land so exchanged either shall be approximately equal, or if they are not approximately equal, the value shall be equalized by the payment of money to the grantor or to the Secretary as the circumstances require. The proceeds received from any conveyance under this section shall be credited to the Land and Water Conservation Fund in the Treasury of the United States.

SEC. 112. Violations of the public land laws and regulations of the Secretary relating to protection of the public lands and the uses thereof shall be punishable by a fine of not more than \$1,000 or imprisonment for not more than six months, or both. Any person charged with the violation of such laws and regulations may be tried and sentenced by any United States commissioner or magistrate designated for that purpose by the court by which he was appointed, in the same manner and subject to the same conditions as provided for in section 3401 of title 18, United States Code.

SEC. 113. The Secretary may authorize such persons who are employed in the Bureau of Land Management as he may designate to make arrests for the violation of the laws and regulations referred to in sections 114 and 116 of this Act. Upon sworn information by any competent person, any United States commissioner or magistrate in the proper jurisdiction shall issue a warrant for the arrest of any person charged with the violation of said laws and regulations, but nothing herein shall be construed as preventing the arrest by any officer of the United States, without warrant, of any person taken in the act of violating such laws and regulations.

SEC. 114. The Secretary is authorized to promulgate such rules and regulations as he deems necessary to carry out the purposes of this title.

SEC. 115. In order that the Secretary shall have the benefit of the advice and assistance of others knowledgeable with respect to matters within the purview of this title, he may establish such multiple use, special use, or ad hoc advisory boards or groups as he deems necessary.

SEC. 116. There is hereby authorized to be appropriated such sums as are necessary to carry out the purposes of this title. Any funds so appropriated shall remain available until expended.

SEC. 117. (a) Subject to valid rights and liabilities existing at the date of approval of this title, the following Acts or parts thereof are repealed:

(1) Chapter 7 of title 43, United States Code, sections 161-302, homesteads generally.

(2) Chapter 8 of title 43, United States

Code, sections 315f and 315g, Taylor Grazing Act.

(3) Chapter 9 of title 43, United States Code, sections 321-338, desert land entries.

(4) Chapter 16 of title 43, United States Code sections 671-700, sale and disposal of public lands.

(5) Chapter 17 of title 43, United States Code, sections 711-731, reservation and sale of townsites on public lands.

(6) Chapter 24 of title 43, United States Code, sections 1021-1048, under State laws, Minnesota and Arkansas.

(7) Chapter 26 of title 43, United States Code, sections 1071-1080, abandoned military reservations.

(8) Chapter 27 of title 43, United States Code, sections 1091-1134, public lands in Oklahoma.

(9) Chapter 28 of title 43, United States Code, sections 1153-1156, patents for private claims, Missouri.

(10) Chapter 28 of title 43, United States Code, sections 1171-1177, sale of isolated tracts.

(11) Chapter 28 of title 43, United States Code, sections 1191-1193, evidence of title.

(12) Sections 11 and 16 of the Act of March 3, 1891 (26 Stat. 1099, 1101; 48 U.S.C. 355, 43 U.S.C. 728), townsites, Alaska.

(13) The fourth paragraph of section 1 of the Act of March 12, 1914 (38 Stat. 307; 48 U.S.C. 303), townsites, Alaska.

(14) Act of May 25, 1926 (44 Stat. 629; 48 U.S.C. 355a-355d), townsites, Alaska.

(15) Act of February 26, 1948 (62 Stat. 35; 48 U.S.C. 355e), townsites, Alaska.

(16) Act of August 30, 1949 (63 Stat. 679; 48 U.S.C. 364a-364e), sale of public domain, Alaska.

(17) Act of July 24, 1947 (61 Stat. 414; 48 U.S.C. 364), zoning of land, Alaska.

(b) The provisions of this title shall prevail over any existing law not consistent with it and such laws or portions thereof are hereby repealed.

SEC. 118. Appointments made on and after the date of the enactment of this Act to the office of the Director of the Bureau of Land Management, within the Department of the Interior, shall be made by the President, by and with the advice and consent of the Senate. The Director shall (1) have a broad background and experience in public land and natural resource management, (2) be selected from the Federal civil service, and (3) be subject to removal only for cause or disability.

TITLE II—MINERAL LEASING

SEC. 201. This title may be cited as the "Federal Land Mineral Leasing Act of 1971".

SEC. 202. As used in this title—

(1) "Secretary" means the Secretary of the Interior;

(2) "Head of department or agency" means the head of an agency or the Secretary of a department other than the Secretary of the Interior;

(3) "Federal lands" means all federally owned lands except lands—

(A) Held in trust for Indians;

(B) Owned by Indians with Federal restrictions on the title;

(C) Within units of the national park system; or

(D) Administered pursuant to the Outer Continental Shelf Lands Act (67 Stat. 462; 43 U.S.C. 1331);

(4) "Federal mineral interests" means mineral deposits in Federal lands and federally owned mineral interests in non-Federal lands;

(5) "Person" means any of the following, including their lawful agents and instrumentalities:

(A) any State, county, municipality, or other local governmental subdivision within which the land is located;

(B) any municipality within convenient

access to the lands if the lands are within the same State as the municipality;

(C) any individual who is authorized to enter into a contract for acquisition of title in real property in the United States by himself or through his guardian or trustee;

(D) any partnership or association, each of the members of which is an individual as defined in subparagraph (C); and

(E) any corporation organized under the laws of the United States or of any State thereof, and authorized to hold title to real property in the State in which the land is located;

(6) "Mineral lease" means an exclusive right to explore for and develop a mineral deposit or deposits in specified lands under this title;

(7) "Mineral license" is a right to mine and remove a specified amount of minerals from specified public lands; and

(8) "Mineral" is a substance that—

(A) is recognized as mineral, according to its chemical composition, by the standard authorities on the subject; or

(B) is classified as mineral produce in trade or commerce except that helium, water, and geothermal steam are not minerals under this title.

SEC. 203. The Secretary is authorized and directed to permit by the issuance of mineral leases and licenses under this title, any person to prospect for, mine, and develop Federal mineral interests to the maximum extent and under such terms and conditions as the Secretary finds consistent with the following goals and objectives:

(1) Provision of an adequate supply of minerals to meet national, regional, and local requirements at reasonable market prices in a timely fashion.

(2) Preservation of a quality environment for present and future generations of Americans.

(3) Management of Federal lands and resources under principles of multiple use and sustained yield.

(4) Preparation, maintenance, and preservation of the integrity of comprehensive and coordinated national, State, and local land use plans.

(5) Maintenance of an interdisciplinary approach to natural resources programs.

(6) Opportunity for the public to participate fully in the conduct of the public business.

(7) Payment by users of public lands and resources of fair market value.

(8) Adequate tenure and opportunity for mineral prospectors and mining operations to plan and develop prospecting and mining operations and to secure a fair return for their risk and investment.

(9) Maintenance of a competitive environment in the allocation and development of public resources.

(10) Prevention of undue concentration of ownership of rights to Federal mineral interests.

(11) Encouragement of efficiency in prospecting and production of minerals and in protection and rehabilitation of the environment.

SEC. 204. (a) The Secretary may dispose of Federal mineral interests in Federal lands which are not under his jurisdiction only if the head of the department or agency which administers the lands concurs with the proposal to dispose of the Federal mineral interests and in the proposed terms and conditions of disposal insofar as such terms and conditions would affect such head's exercise of his administrative responsibilities.

(b) The Secretary may dispose of Federal mineral interests in non-Federal lands only after he has given the non-Federal landowner an opportunity to review and comment on the planned terms and conditions of the proposed disposal, insofar as they relate to conservation of natural resources,

the protection of the environment, and protection of and compensation for private improvements on the land, the Secretary shall, to the extent he deems feasible, include in the proposed disposal the same terms and conditions that he would include if the lands were Federal.

Sec. 205. The Secretary shall consult with the Federal, State, and local governments, advisory boards and committees, and the general public to the extent he deems necessary to secure full public participation in decisions related to the disposal of Federal mineral interests. The head of any department or agency may render, without transfer of funds, technical assistance to the Secretary in connection with the Secretary's activities under this title.

Sec. 206. The Secretary shall publicize all proposals to dispose of Federal mineral interests under this title to the extent and by those means which he deems necessary to comply with the goals, objectives, and other provisions of this title. Notices of such proposals shall describe by incorporation or by reference the terms and conditions of disposals so that the general public may knowledgeably comment on the proposal and potential lessees and licensees will be fully informed what their rights and obligations would be under the proposal.

Sec. 207. (a) The Secretary may dispose of Federal mineral interests by mineral lease and license under this title in any manner which in his judgment will meet the goals, objectives, and other provisions of this title. He may utilize competitive means of disposal whenever he finds that competitive interest exists and competition would otherwise be consistent with the requirements and goals and objectives of this title. In competitive disposals, he may reserve the right to reject any and all bids where he finds that acceptance would be inconsistent with the goals and objectives of this title. Where he finds that any person is dependent upon continued access to Federal mineral interests by virtue of the location of their mining and mineral recovery facilities he may accord such person a preference right to meet the terms and conditions of a proposal to issue a mineral lease or license. Such preference right may include, in the discretion of the Secretary, the right to match the highest bid for contract when Federal mineral interests are disposed of competitively.

(b) Whenever Federal lands are being drained of oil and gas by wells drilled on adjacent lands, the Secretary may negotiate contract agreements with the owners of those wells and of the oil and gas in the adjacent lands to compensate the United States for such drainage.

Sec. 208. The Secretary shall reserve to the United States the ownership of and right to extract helium from all gas produced under this title, and in the extraction of such helium, he shall cause no substantial delay in the delivery of the gas produced from the well to the purchaser thereof.

Sec. 209. In leases, licenses, and other contracts issued under this title, the Secretary shall incorporate such terms and conditions that he deems necessary or desirable to promote good business practices; to promote the conservation of lands and other natural resources; to preserve and enhance the environment; to maintain ecological balances; to protect the public health, safety, and welfare; to enable the proper use of the lands; and otherwise to promote or be consistent with the goals and objectives and other terms of this title, including, but not limited to, provisions for—

- (1) cancellation and forfeitures for cause;
- (2) relinquishment of rights and privileges;
- (3) bonds, deposits, or other good faith security;

(4) assignments and subleases, in whole or in part;

- (5) renewals and extensions;
- (6) removal of improvements;
- (7) rentals and royalties;
- (8) penalties for noncompliance;
- (9) reinstatements;
- (10) nondiscrimination;
- (11) protection of health and safety of workers;
- (12) protection and rehabilitation of natural resources;
- (13) prevention of air, water, and land pollution;
- (14) adjustment of disputes;
- (15) payments in kind;
- (16) inspection of premises by Federal and State officials;
- (17) inspection of business records;
- (18) joint enterprises;
- (19) suspension, waiver, and reduction of rentals or royalties in order to promote conservation of resources;
- (20) reasonable diligence;
- (21) workmanlike performance;
- (22) disposal of surface estate;
- (23) uses of the lands and resources thereon by third parties;
- (24) uses of the lands and resources by the contracting parties, including rentals to be paid by the lessee or licensee;
- (25) utilization, operating, and other cooperative agreements; and
- (26) submittal of plans of exploration, mining, and rehabilitation operations for approval by the Secretary.

Sec. 210. The Secretary is authorized to issue such regulations as he finds necessary or desirable to carry out the goals, objectives, and other purposes of this title, including, but not limited to, regulations to establish—

- (1) the area or volume or kind of mineral rights that may be held by any one qualified applicant, and
- (2) the area or volume or kind of mineral rights that may be acquired by any one person in any area or at any sale.

Sec. 211. (a) All prior laws which relate to the disposition of Federal mineral deposits covered by this title are hereby repealed except to the extent noted in subsection (c) of this section. These laws include, but are not limited, to—

- (1) The Mining Law of 1872, as amended (30 U.S.C. 21-77).
- (2) The Mineral Leasing Act of 1920, as amended (30 U.S.C. 181-286).
- (3) The Mineral Leasing Act for Acquired Lands (30 U.S.C. 351-359).
- (4) The Act of July 31, 1947, as amended, and the Act of July 23, 1955, as amended (30 U.S.C. 601-615).
- (5) The Right-of-Way Leasing Act of 1930 (30 U.S.C. 301-300).

(b) Any valid mining claim, lease, contract, or other right acquired under any laws repealed by this title which existed on the date of enactment of this title shall not be affected by this title but shall remain subject to the provisions of the law under which such rights were derived. The Secretary is authorized in his discretion and upon application to him by the owner of the right to issue a lease or license under this title in exchange for a valid mining claim or valid mineral lease, license, or permit issued under the authorities repealed by subsection (a) of this section.

(c) The following provisions of law shall remain in force and effect:

- (1) Section 29 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185).
- (2) Section 35 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 191).
- (3) The distribution of receipts provisions of section 3 of the Act of September 1, 1949 (30 U.S.C. 192c).
- (4) The distribution of receipts provisions of the Act of June 1, 1948 (30 U.S.C. 286).

(5) The distribution of receipts provisions of the Act of June 12, 1926 (44 Stat. 740).

STATEMENT OF SENATOR METCALF

Mr. METCALF. Mr. President, I am proud to join with my distinguished colleague from the State of Washington, Mr. Jackson, in co-sponsoring the "Public Domain Lands Organic Act of 1971."

We are all becoming keenly aware of the abuses that have been inflicted upon our lands due, in many ways, to our past policies concerning public holdings. For too long this nation has been locked into a psychology of exploitation of the environment. Now, Mr. President, those days must be put behind us. We must recognize that our public lands are vital and precious national assets. It is imperative that we treat them as such. We must move to protect and preserve them. The Public Domain Lands Organic Act of 1971 is a long step in that direction.

There is a portion of this bill, Mr. President, that is sorely needed to help solve some serious environmental problems. Although the examples I have are in Montana, I assume the problem is general in the mining areas. Recently, mining exploration activities have increased drastically in some of the mountainous areas of Montana. Some of this exploration has been on private land. Most of it has been on public land, particularly that administered by the Forest Service. During the recent period of exploration there have been reports of extensive damage to our National Forests. These reports came from many concerned Montanans, and the problem has received widespread coverage in the Montana press.

One example of exploration damage to public lands is reported on the Custer National Forest in south central Montana. Here peaks rise to more than 12,000 feet, thick forests abound with wildlife, and mountain streams run unspoiled. Part of this area had been under consideration for designation as a Wilderness Area. But now, a large part of this area has been scarred, some of it permanently, by mining company exploration.

A recent article in the Billings, Montana, Gazette described clearly what has happened in this wild mountain area. I ask unanimous consent that this article be printed at this point in the Record.

There being no objection the article is ordered printed.

"MINE EXPLORATION THREATENS FISH

(By Tom Brown)

"Mining exploration near Goose Lake in the Bearthooth Mountains is a threat to fish in the Stillwater, Clark-Fork and West Rosebud Rivers, according to Custer National Forest Deputy Supervisor Robert Miller.

"He said Wednesday that "considerable" bulldozing of exploratory pits had occurred this summer in the area around Goose Lake and near the headwaters of the three rivers.

"These pits will cause siltation in the rivers which drain them during the spring runoff," Miller said, "and siltation means dead fish.

"The Goose Lake mining activity will not wipe out the fish in the affected rivers, but it will contribute to their degradation, he continued.

"The deputy supervisor said Kennecott Mining Co. was the only company known to be working in the area but there could be others.

"We really have no way to know other than rumor since the companies are under no obligation to keep us informed of their activities and have not done so voluntarily.

"We are, however, monitoring the area and plan to do a complete study of everything from soils to water pollution next year."

"Miller said the study would enable them

to develop a management plan describing the best way to conduct any mining in the area with respect to its affect on the environment.

"But, he admits that a mining company would be under no obligation to follow such a plan should one be developed.

"They are operating under the general mining law of 1872 which gives them a right to mine the public domains," Miller said.

"Meanwhile, not only are the fish in danger, but the open pits are leaving scars Miller says, "can never be removed."

"They are working in alpine country at or above timberline at an elevation of 9,000 to 10,000 feet," he said. "At that height it is impossible to restore the vegetation.

"These scars will stay the way they are left."

Mr. METCALF. Such exploration damage is not confined to the Beartooth Mountains area. Near Peterson, and Noel Rosetta, Forest Service officials on the Helena National Forest, are among those who have focused public attention on the Lincoln area in western Montana. A Billings Gazette article of 5 October 1970 told of Peterson's alarm. I ask unanimous consent that a portion of this article be printed in the Record at this point.

There being no objection the article is ordered printed as follows:

"Peterson calculated that about 20,000 acres in the 326,000-acre district have been disturbed by the exploratory work of four large exploratory companies.

"They are the Anaconda Co., Kennecott (which is no longer believed to be actively exploring), Roberts Mining and New Park Mining, both California-based.

"The Lincoln district is heavily mineralized with copper, zinc, molybdenum, iron, gold, silver and other valuable metals.

"Mineral exploration and road construction have been so extensive in the area, Peterson said, "that there are few places, from Lincoln to Butte, that haven't been staked out."

"In the Heddleston district near the headwaters of the Big Blackfoot River, Anaconda has gouged roads up steep grades through lodgepole pine stands to bring in heavy core drilling rigs. Roads branch every 100 yards or so and there is extensive erosion.

"Rosetta said that the failure of mining companies to file an application for a special use permit with the Forest Service before building a road prevents the service from helping them lay out a route to prevent erosion and other problems.

"The Forest Service can't deny a miner the right of entry to a valid claim, he said.

"Adding to the erosion problem made worse by poorly-designed roads, recreationists drive the fragile high country with their four-wheel-drive rigs, Rosetta said.

"Rosetta's suggestion that companies post land restoration bonds would, he said, no longer leave the Forest Service "holding the bag after the companies move."

"We expect erosion problems from all this activity," Peterson concluded. "Someday, if we get mud three feet deep in the Blackfoot River at least someone will credit us with surveying to determine the causes."

Mr. METCALF. As you can see, Mr. President, the Forest Service is painfully aware of the problem of exploration damage, but its hands are tied. The mining industry activity, while certainly not socially responsible, apparently has been legal.

The primary law governing mineral activity on public lands is the Mining Law of 1872, enacted as a means of promoting the development of the mining resources of the United States. At that time, the exploration process consisted of one or two prospectors packing into the back-country on horseback, probing about as they went with their picks and shovels. These men caused no concern about the destruction of the public lands because they were responsible for none. And understandably so for the technology exist-

ing in 1872 in no way compares with that of today.

Modern exploratory processes utilize four-wheel drive vehicles, bulldozers and other earth-moving equipment and core-drilling rigs. In this new process of exploration, irreparable scars and damaged streams are often left as by-products. Clearly, Mr. President, mining laws designed for a single purpose for the nineteenth century cannot be expected to meet the demonstrated needs on the public lands in the latter third of the twentieth century. The Public Land Law Review Commission, in its recent report, has recognized this problem of the protection of environmental quality during exploration for minerals. On page 127 of the Report, in the section entitled "Protecting the Environment," the Commission recommends:

"Upon receipt of the required notice of location a permit should be issued to the locator, subject to administrative discretion exercised within strict limits of congressional guidelines, for the protection of surface values. While an administrator should have no discretion to withhold a permit, he should have the authority to vary these restrictions to meet local conditions. It is our view that protection of environmental values must cover all phases of mineral activity from exploration, through development and production . . ."

The bill introduced today attempts to deal with the problem along the lines of the Public Land Law review Commission's Report. The bill would give the administrators of our public lands full authority to regulate exploration in addition to mining activities on public lands.

Specifically, this Act will enable the administrators of our public lands to require, among other things:

1. Advance submission of exploration and operation plans by mining companies, including proposals for the protection of the environment.
2. Leasing before exploration can be pursued.
3. Restoration and rehabilitation of disturbed surface areas.
4. Posting of performance bonds.
5. Penalties for non-compliance.

Mr. President, Montanan's have always been very close to the land. They love it and they demand that it be protected. A substantial majority of the people of Montana and those charged with managing our public lands will welcome these new provisions.

By Mr. RIBICOFF (for himself, Mr. BAYH, Mr. CASE, Mr. JAVITS, Mr. MAGNUSON, Mr. MCINTYRE, Mr. MUSKIE, and Mr. PELL):

S. 922. A bill to provide Federal leadership and grants to the States for developing and implementing State programs for youth camp safety standards. Referred to the Committee on Labor and Public Welfare.

Mr. RIBICOFF. Mr. President, I introduce today a bill to establish a Federal leadership program to promote youth camp safety.

The camping industry in the United States is growing at an ever-increasing rate; 10,000 to 12,000 camps are now operated in this country. Resident camps alone have tripled in the last decade.

Each year more than 7 million youngsters go off to residential, day, or travel camps. While some camp activity takes place during the school year, camping is primarily a summertime activity. However, while a parent can be relatively confident of his child's safety while at school, millions of parents across the Nation send their offspring to camps with little

or no knowledge whether the institution meets basic minimum safety standards. The sad fact is that too often many of them do not.

In 19 States there are absolutely no regulations governing camping at all; and, in many of the other States only isolated aspects of camping are governed by law or regulation. And yet camp personnel virtually take the place of parents for several weeks of the year, especially in travel and residential camps.

For instance, only 40 States have training requirements for counselors who supervise aquatic activities.

Forty-six States have no regulation regarding the condition of vehicles used for transportation or the qualifications of drivers. An equal number of States have no regulations restricting the age of counselors. Twenty-nine States fail to even require annual camp inspections.

The absence of State regulations has meant that private camping organizations have had to establish and police appropriate standards. The American Camping Association with over 3,400 member camps, the Scouting organizations, the Association of Private Camps and church oriented groups have all made a substantial contribution to better camping. These organizations are to be commended for taking the initiative where the Government has failed.

Too many camps across the Nation, however, do not belong to any of these organizations and do not follow their advice. And in any event, even if a camp does belong to one of the organizations, there is little that the organization can do to enforce its standards.

In 1967, representatives of the American Camping Association surveyed a representative group of their member camps to see whether ACA safety standards were being adhered to. These camps are generally recognized as some of the best in the Nation and yet one out of every eight failed to meet minimum standards.

The failure to establish adequate standards for many of our camps has had tragic consequences across the Nation. Ever since I became active in this field, I have heard enough horror stories to convince me that governmental protection for our youngsters is an absolute necessity.

Two years ago in California four children were killed and 68 others were injured when a flatbed truck driven by a camp counselor overturned on an expressway. Just last summer a schoolbus carrying day campers from Long Island overturned in western Pennsylvania killing seven and seriously injuring 51 others. The truck was driven by a man who did not even have a valid driver's license.

Far and away the greatest cause of death at camp is drowning, in spite of the fact that the waterfront of the average camp is often the best supervised area.

One man who knows, and can never forget, how what began as a pleasant summer for their son turned out to be a nightmare is Mitch Kurman, a constituent of mine from Westport, Conn. Mr. Kurman chose a camp in upstate New York which offered canoe trips into Maine, New Hampshire, and Ontario.

92d CONGRESS
1st Session

H. R. 7259

IN THE HOUSE OF REPRESENTATIVES

APRIL 6, 1971

Mr. TEAGUE of California introduced the following bill; which was referred to the Committee on Agriculture

A BILL

To authorize the Secretary of Agriculture to cooperate with the States and subdivisions thereof in the enforcement of State and local laws, rules, and regulations within the national forest system.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the Secretary of Agriculture, in connection with the
4 administration and regulation of the use and occupancy of
5 the national forests and national grasslands, is authorized to
6 cooperate with any State or political subdivision thereof, on
7 lands which are within or part of any unit of the national
8 forest system, in the enforcement or supervision of the laws
9 or ordinances of a State or subdivision thereof. Such coopera-

1 tion may include the reimbursement of a State or its sub-
2 division for expenditures incurred in connection with activi-
3 ties on national forest system lands. This Act shall not de-
4 prive any State or political subdivision thereof of its right
5 to exercise civil and criminal jurisdiction, within or on lands
6 which are a part of the national forest system.

92d CONGRESS
1st Session

H. R. 7259

A BILL

To authorize the Secretary of Agriculture to cooperate with the States and subdivisions thereof in the enforcement of State and local laws, rules, and regulations within the national forest system.

By Mr. TEAGUE of California

APRIL 6, 1971

Referred to the Committee on Agriculture

92ND CONGRESS
1ST SESSION

H. R. 3146

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 1, 1971

Mr. Sisk introduced the following bill; which was referred to the Committee on Agriculture

A BILL

To authorize the Secretary of Agriculture to cooperate with the States and subdivisions thereof in the enforcement of State and local laws, rules, and regulations within the national forest system.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the Secretary of Agriculture, in connection with the
4 administration and regulation of the use and occupancy of
5 the national forests and national grasslands, is authorized to
6 cooperate with any State or political subdivision thereof, on
7 lands which are within or part of any unit of the national
8 forest system, in the enforcement or supervision of the laws
9 or ordinances of a State or subdivision thereof. Such coopera-

tion may include the reimbursement of a State or its sub-
 division for expenditures incurred in connection with activi-
 ties on national forest system lands. This Act shall not de-
 prive any State or political subdivision thereof of its right
 to exercise civil and criminal jurisdiction, within or on lands
 which are a part of the national forest system.

92^d CONGRESS
 1ST SESSION

H. R. 3146

A BILL

To authorize the Secretary of Agriculture to cooperate with the States and subdivisions thereof in the enforcement of State and local laws, rules, and regulations within the national forest system.

By Mr. SISK

FEBRUARY 1, 1971

Referred to the Committee on Agriculture

92^D CONGRESS
1ST SESSION

H. R. 6400

IN THE HOUSE OF REPRESENTATIVES

MARCH 18, 1971

MR. STEIGER of Wisconsin introduced the following bill; which was referred to the Committee on Agriculture

A BILL

To authorize the Secretary of Agriculture to cooperate with the States and subdivisions thereof in the enforcement of State and local laws, rules, and regulations within the national forest system.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the Secretary of Agriculture, in connection with the
4 administration and regulation of the use and occupancy of
5 the national forests and national grasslands, is authorized to
6 cooperate with any State or political subdivision thereof, on
7 lands which are within or part of any unit of the national
8 forest system, in the enforcement or supervision of the laws
9 or ordinances of a State or subdivision thereof. Such coopera-

tion may include the reimbursement of a State or its sub-
 division for expenditures incurred in connection with activi-
 ties on national forest system lands. This Act shall not de-
 prive any State or political subdivision thereof of its right
 to exercise civil and criminal jurisdiction, within or on lands
 which are a part of the national forest system.

92ND CONGRESS
 1ST Session

H. R. 6400

A BILL

To authorize the Secretary of Agriculture to cooperate with the States and subdivisions thereof in the enforcement of State and local laws, rules, and regulations within the national forest system.

By Mr. STEWART of Wisconsin

MARCH 18, 1971

Referred to the Committee on Agriculture

IN THE HOUSE OF REPRESENTATIVES

APRIL 6, 1971

Mr. GOLDWATER (for himself, Mr. GERALD R. FORD, Mr. BELL, Mr. KEMP, Mr. RAILSBACK, Mr. WINN, Mr. QUIE, Mr. HALPERN, Mr. SMITH of California, Mr. STEIGER of Arizona, Mr. WIGGINS, Mr. SHOUP, Mr. MOSS, Mr. MOSHER, Mr. CORMAN, Mr. BURTON, Mr. DERWINSKI, Mr. BROWN of Michigan, Mr. Lujan, Mr. MONTGOMERY, Mr. CAMP, Mr. TEAGUE of California, Mr. ROUSSELOT, Mr. VEYSEY, and Mr. McCLOSKEY) introduced the following bill; which was referred to the Committee on Interior and Insular Affairs

A BILL

To provide for the arrest and punishment of violators of certain laws and regulations relating to the public lands.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That violations of the public land laws and regulations of
4 the Secretary of the Interior relating to protection of the
5 public lands administered by the Secretary through the
6 Bureau of Land Management, and the uses thereof shall be
7 punishable by a fine of not more than \$500 or imprison-
8 ment for not more than six months, or both. Any person
9 charged with the violation of such laws and regulations may

1 be tried and sentenced by any United States commissioner
2 or magistrate designated for that purpose by the court by
3 which he was appointed, in the same manner and subject
4 to the same conditions as provided for in section 3401 of title
5 18, United States Code (Supp. IV 1968).

6 SEC. 2. The Secretary of the Interior may authorize
7 such persons who are employed in the Bureau of Land Man-
8 agement as he may designate to make arrests for the viola-
9 tion of the laws and regulations referred to in section 5 of
10 this Act. Upon sworn information by any competent person,
11 any United States commissioner or magistrate in the proper
12 jurisdiction shall issue warrant for the arrest of any person
13 charged with the violation of said laws and regulations, but
14 nothing herein shall be construed as preventing the arrest
15 by any officer of the United States, without warrant, of any
16 person taken in the act of violating said laws and regula-
17 tions.

92D CONGRESS
1ST SESSION

H. R. 7298

	Method	Date
1	AD	
2	ARD	
	LGM	
3	RPM	
	ENG	
	P.DEV	
	W&E	
	ADM	

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IN THE HOUSE OF REPRESENTATIVES

APRIL 6, 1971

Mr. PERRIS introduced the following bill; which was referred to the Committee on Interior and Insular Affairs

A BILL

To provide for the arrest and punishment of violators of certain laws and regulations relating to the public lands.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That violations of the public land laws and regulations of
4 the Secretary of the Interior relating to protection of the
5 public lands administered by the Secretary through the
6 Bureau of Land Management, and the uses thereof shall be
7 punishable by a fine of not more than \$500 or imprison-
8 ment for not more than six months, or both. Any person
9 charged with the violation of such laws and regulations may
10 be tried and sentenced by any United States commissioner
11 or magistrate designated for that purpose by the court by

1 which he was appointed, in the same manner and subject
2 to the same conditions as provided for in section 3401 of title
3 18, United States Code (Supp. IV 1968).

4 SEC. 2. The Secretary of the Interior may authorize
5 such persons who are employed in the Bureau of Land Man-
6 agement as he may designate to make arrests for the viola-
7 tion of the laws and regulations referred to in section 5 of
8 this Act. Upon sworn information by any competent person,
9 any United States commissioner or magistrate in the proper
10 jurisdiction shall issue warrant for the arrest of any person
11 charged with the violation of said laws and regulations, but
12 nothing herein shall be construed as preventing the arrest
13 by any officer of the United States, without warrant, of any
14 person taken in the act of violating said laws and regula-
15 tions.

ASSEMBLY BILL

No. 2340

Introduced by Assemblyman Chappie

April 14, 1971

REFERRED TO COMMITTEE ON EDUCATION

*An act to amend Section 8571 of the Education Code,
relating to driver education courses.*

LEGISLATIVE COUNSEL'S DIGEST

AB 2340, as introduced, Chappie (Ed.). Driver education courses.
Amends Sec. 8571, Ed.C.

Requires the course in automobile driver education given pupils in
secondary schools to include education in the safe operation of motor-
cycles.

Vote—Majority; Appropriation—No; Fiscal Committee—No.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 8571 of the Education Code is amended
- 2 to read:
- 3 8571. The adopted course of study for grades 7 through 12
- 4 shall offer courses in the following areas of study:
- 5 (a) English, including knowledge of and appreciation for
- 6 literature, language, and composition, and the skills of reading,
- 7 listening, and speaking.
- 8 (b) Social sciences, drawing upon the disciplines of anthro-
- 9 pology, economics, geography, history, political science, psy-
- 10 chology, and sociology, designed to fit the maturity of the
- 11 pupils. Instruction shall provide a foundation for understand-
- 12 ing the history, resources, development, and government of
- 13 California and the United States of America; the development
- 14 of the American economic system including the role of the
- 15 entrepreneur and labor; man's relations to his human and
- 16 natural environment; eastern and western cultures and civil-
- 17 izations; and contemporary issues.
- 18 (c) Foreign language or languages, beginning not later
- 19 than grade 7, designed to develop a facility for understanding,
- 20 speaking, reading, and writing the particular language.

1 (d) Physical education, with emphasis given to such phys-
2 ical activities as may be conducive to health and to vigor of
3 body and mind.

4 (e) Science, including the physical and biological aspects,
5 with emphasis on basic concepts, theories, and processes of
6 scientific investigation and on man's place in ecological sys-
7 tems, and with appropriate applications of the interrelation
8 and interdependence of the sciences.

9 (f) Mathematics, including instruction designed to develop
10 mathematical understandings, operational skills, and insight
11 into problem-solving procedures.

12 (g) Fine arts, including art, music, or drama, with emphasis
13 upon development of aesthetic appreciation and the skills of
14 creative expression.

15 (h) Applied arts, including instruction in the areas of home
16 economies, industrial arts, business education, or agriculture,
17 for general education or prevocational or occupational training.

18 (i) Automobile driver education, designed to develop a
19 knowledge of the provisions of the Vehicle Code and other
20 laws of this state relating to the operation of motor vehicles,
21 a proper acceptance of personal responsibility in traffic, a true
22 appreciation of the causes, seriousness and consequences of
23 traffic accidents, and to develop the knowledge and attitudes
24 necessary for the safe operation of motor vehicles. *A course in*
25 *automobile driver education shall include education in the*
26 *safe operation of motorcycles.*

27 (j) Such other studies as may be prescribed by the govern-
28 ing board.

RECEIVED
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CALIFORNIA LEGISLATURE—1971 REGULAR SESSION

MAY ASSEMBLY BILL

No. 2342

CALIF. STATE OFFICE
SACRAMENTO, CALIF.

Introduced by Assemblyman Chappie

April 14, 1971

REFERRED TO COMMITTEE ON NATURAL RESOURCES AND CONSERVATION

An act to amend Section 3003.5 of the Fish and Game Code, to add Section 5078 to the Public Resources Code, and to amend Sections 4020, 5011, 5016, 5017 and 12501 of, and to add Sections 448, 4007, 4452.7, 5015.5 and 9261.5 to the Vehicle Code, relating to vehicles, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 2342, as introduced, Chappie (N.R. & Con.). Off-road vehicles. Amends and adds various sections, various codes.

Requires off-road vehicles, as defined, to be registered, with specified exceptions. Provides for issuance of identification plates of a design approved by the Department of Motor Vehicles and identification cards. Requires display of such cards and plates as specified. Specifies registration dates and fees. Creates Off-Road Vehicle Fund continuously appropriated in specified proportions for use of Department of Parks and Recreation to provide trails and areas for off-road vehicles and to provide subvention to cities, counties and districts providing recreation projects for off-road vehicles provided that such local governments bear 25 percent of cost of such projects. Exacts service fee of off-road vehicles required to be registered, which remitted to Off-Road Vehicle Fund.

Exempts persons from requirement of obtaining drivers license while operating off-road vehicle.

Makes misdemeanor to use off-road vehicle to pursue, drive or herd specified birds and mammals, with specified exception.

Vote— $\frac{2}{3}$; Appropriation—Yes; Fiscal Committee—Yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 3003.5 of the Fish and Game Code is
- 2 amended to read:
- 3 3003.5. It is unlawful to pursue, drive, or herd any game
- 4 bird, game mammal, or fur-bearing mammal with a snowmobile

1 *or motor vehicle*, except that the use of a snowmobile *or*
2 *motor vehicle* on private property by the landowner or ten-
3 ant thereof to drive or herd game mammals for the purpose
4 of preventing damage by such animals to private property is
5 exempt from the provisions of this section.

6 SEC. 2. Section 5078 is added to the Public Resources Code,
7 to read:

8 5078. The department shall, utilizing funds in the Off-Road
9 Vehicle Trust Fund created by Section 9261.1 of the Vehicle
10 Code, carry out programs of planning, acquisition, develop-
11 ment, construction, maintenance, administration, and conserva-
12 tion of trails and areas for the use of off-road vehicles as de-
13 fined in Section 448 of the Vehicle Code. These funds shall be
14 allocated as follows:

15 (a) An amount, not to exceed 50 percent of the total
16 revenues of the Off-Road Vehicle Fund, shall be made avail-
17 able for grants to cities, counties, and appropriate special-
18 purpose districts for recreation projects for off-road vehicles
19 in accordance with local government planning and the state-
20 wide plans for trails for recreational motor vehicles developed
21 by the committee and the department. Local governments, to
22 be eligible for these funds, shall provide matching funds in
23 an amount of not less than 25 percent of the total expense of
24 the off-road vehicle facility.

25 (b) The remainder of the funds contained in the Off-Road
26 Vehicle Fund shall be used by the department for purposes of
27 funding recreational areas and trails for off-road vehicles.

28 SEC. 3. Section 448 is added to the Vehicle Code, to read:

29 448. An "off-road vehicle" means any motor vehicle except
30 a snowmobile which is used in the pursuit of sport or recrea-
31 tion which is not operated on public highways except as speci-
32 fied in Section 4020.

33 SEC. 4. Section 4007 is added to the Vehicle Code, to read:

34 4007. An off-road vehicle is exempt from registration but
35 shall display an identification plate as provided in Section
36 5011.

37 SEC. 5. Section 4020 of the Vehicle Code is amended to
38 read:

39 4020. Any snowmobile *or off-road vehicle* that is operated
40 on a two-lane highway only to cross such highway at an angle
41 of approximately 90 degrees to the direction of the roadway
42 and at a place where no obstruction prevents a quick and safe
43 crossing or whenever a roadway is not maintained by snow
44 removal equipment and is not traversable by other vehicular
45 traffic is exempt from registration, *except as provided in Sec-*
46 *tions 9261 and 9261.5.*

47 SEC. 6. Section 4452.7 is added to the Vehicle Code, to
48 read:

49 4452.7. (a) No person, except a licensed dealer, shall trans-
50 port or operate an off-road vehicle in this state on and after
51 January 1, 1972, unless he first obtains a certificate of owner-
52 ship without registration. The department shall issue a certifi-

1 cate of ownership to the legal owner of such vehicle without
2 requiring registration, and shall issue a facsimile copy of the
3 certificate to the owner if there is no legal owner, if the appli-
4 cation is submitted in proper form and the payment of the fee
5 specified in Section 9254.

6 In the case of a rented or leased off-road vehicle, the per-
7 son who rents or leases such vehicle may operate the vehicle
8 during the rental or lease period without obtaining a certifi-
9 cate of ownership.

10 (b) Any person owning an off-road vehicle with an identifi-
11 cation plate before January 1, 1972, shall not be required to
12 obtain a certificate of ownership until such person is required
13 to renew the identification plate for the off-road vehicle.

14 (c) The provisions of this section shall not be applicable
15 to the transfer or operation of an off-road vehicle used exclu-
16 sively for competition in sporting events.

17 (d) The provisions of this section shall not be applicable to
18 the transfer or operation of an off-road vehicle used exclusively
19 by the owner or tenant of real property on such property.

20 SEC. 7. Section 5011 of the Vehicle Code is amended to
21 read:

22 5011. Every piece of special construction equipment,
23 special mobile equipment, and cemetery equipment and every
24 snowmobile and off-road vehicle shall display an identification
25 plate attached thereto. *The provisions of this section shall not*
26 *be applicable to an off-road vehicle used exclusively by an*
27 *owner or tenant of real property on such property. The pro-*
28 *visions of this section shall not be applicable to an off-road*
29 *vehicle used for competition in sporting events.*

30 SEC. 8. Section 5015.5 is added to the Vehicle Code, to
31 read:

32 5015.5. An identification plate shall be issued for an off-
33 road vehicle required to display an identification plate before
34 such vehicle may be operated on public or private property.
35 Every identification card issued for an off-road vehicle on or
36 after January 1, 1972, shall expire at midnight on the 31st
37 day of December of the odd-numbered year next following the
38 date of issue. Any person owning an off-road vehicle with an
39 identification plate issued before January 1, 1972, is not re-
40 quired to renew its identification plate before January 1,
41 1974. Application for the renewal of an identification card and
42 plate for an off-road vehicle shall be made by the owner be-
43 tween January 1st and midnight of February 4th succeeding
44 the expiration date.

45 SEC. 9. Section 5016 of the Vehicle Code is amended to
46 read:

47 5016. (a) Upon proper application and payment of the
48 fees specified in Section 9264 Sections 9261 and 9261.5, the
49 department shall issue an identification plate and an identi-
50 fication card for the piece of equipment or vehicle for which
51 application is made

1 (b) The identification plate issued by the department for
2 snowmobiles and off-road vehicles may be a plate or any other
3 device as determined safe and suitable by the department. The
4 size, color, and letters or numbers of the plate or device shall
5 be determined by the department.

6 SEC. 10. Section 5017 of the Vehicle Code is amended to
7 read:

8 5017. (a) Each identification plate issued under Section
9 5016 shall bear a distinctive number to identify the equipment
10 for which it is issued. The owner, upon being issued a plate,
11 shall attach it to the equipment for which it is issued and shall
12 carry the identification card issued by the department as pro-
13 vided by Section 4454. It shall be unlawful for any person to
14 attach or use the plate upon any other equipment or vehicle.
15 If the equipment is destroyed or the ownership thereof trans-
16 ferred to another person, the person to whom the plate was
17 issued shall first remove the plate and, within 10 days after
18 removing the plate, return it to the department, together with
19 a notice, on a form approved by the department, that the
20 equipment has been destroyed or the ownership thereof trans-
21 ferred to another person.

22 (b) In addition to the requirements of subdivision (a), the
23 owner of a snowmobile, upon being issued a plate or device,
24 shall attach it to, and maintain it in a clear, legible manner on,
25 the front of the handlebars on the upper part of the machine.

26 (c) In addition to the requirements of subdivision (a), the
27 owner of an off-road motorcycle or off-road motor-driven cycle,
28 other than a snowmobile upon being issued a plate or device,
29 shall attach it to, and maintain it in a clear, legible manner on
30 the rear section of the frame of such vehicle.

31 (d) In addition to the requirements of subdivision (a), the
32 owner of an off-road vehicle, other than a snowmobile, motor-
33 cycle or motor-driven cycle, upon being issued a plate or de-
34 vice shall attach it to, and maintain it in a clear and legible
35 manner on, the rear section of the vehicle.

36 SEC. 11. Section 9261.5 is added to the Vehicle Code, to
37 read:

38 9261.5. (a) A registration fee based upon actual cost to
39 the Department of Motor Vehicles, but not to exceed five dol-
40 lars (\$5) shall be paid for an identification plate for an off-
41 road vehicle. Publicly owned off-road vehicles are exempt from
42 charges of this section.

43 (b) In addition to the registration fee specified in sub-
44 division (a), on and after January 1, 1972, a special fee of
45 five dollars (\$5) shall be paid at the time of payment of the
46 service fee for the issue or renewal of an identification plate
47 for an off-road vehicle pursuant to subdivision (a). All fees
48 received by the department pursuant to this subdivision shall
49 be deposited in the Off-Road Vehicle Fund, which is hereby
50 created. All money in the fund is continuously appropriated
51 for expenditure by the Department of Parks and Recreation
52 in carrying out a program of planning, acquisition, develop-

1 ment, maintenance, administration, and conservation of trails
2 and areas for the safe use of off-road vehicles.

3 SEC. 12. Section 12501 of the Vehicle Code is amended to
4 read:

5 12501. The following persons are not required to obtain a
6 driver's license:

7 (a) An officer or employee of the United States, while oper-
8 ating a motor vehicle owned or controlled by the United States
9 on the business of the United States.

10 (b) Any person while driving or operating implements of
11 husbandry incidentally operated or moved over a highway,
12 except as provided in Section 36300.

13 (c) Any person while driving or operating a snowmobile or
14 off-road vehicle as provided in Section 4020,

CHAPTER 1593

*An act to amend Section 830.4 of the Penal Code,
relating to peace officers.*

The people of the State of California do enact as follows:

SECTION 1. Section 830.4 of the Penal Code is amended to read:

830.4 (a) The following persons are peace officers while engaged in the performance of the duties of their respective employments:

(1) Security officers of the California State Police Division.
(2) The Sergeant at Arms of each house of the Legislature.
(3) Bailiffs of the Supreme Court and of the courts of appeal.

(4) Guards and messengers of the Treasurer's office.

(5) The Director of the Department of Harbors and Watercraft and employees of such department designated by him pursuant to Section 71.2 of the Harbors and Navigation Code.

(6) Members of a state college police department appointed pursuant to Section 24651 of the Education Code.

(7) The hospital administrator of a state hospital under the jurisdiction of the Department of Mental Hygiene and police officers designated by him pursuant to Section 4312 of the Welfare and Institutions Code.

(8) Any railroad or steamboat company policeman commissioned by the Governor pursuant to Section 8226 of the Public Utilities Code.

(9) Persons designated by a cemetery authority pursuant to Section 8325 of the Health and Safety Code.

(10) Harbor policemen regularly employed and paid as such by a county, city, or district, and the port warden and special officers of the Harbor Department of the City of Los Angeles. However, notwithstanding the provisions of Section 171c, 171d, or 12027, such persons are not peace officers for purposes of such sections except when designated by local ordinance or, if the local agency is not authorized to act by ordinance, by resolution, either individually or by class, as peace officers for such purposes.

(11) Special officers of the Department of Airports of the City of Los Angeles commissioned by the city police commission.

(12) The chief of toll services, captains, lieutenants, and sergeants employed by the Department of Public Works on vehicular crossings pursuant to Chapter 13 (commencing with Section 23250) of Division 11 of the Vehicle Code.

(13) Persons employed as members of a security patrol of a school district pursuant to Section 15832 of the Education Code.

(14) Duly authorized federal employees, when they are engaged in enforcing applicable state or local laws on property owned or possessed by the United States government and with the written consent of the sheriff or the chief of police, respectively, in whose jurisdiction such property is situated.

(b) The authority of any such peace officer extends to any place in the state as to a public offense committed or which there is probable cause to believe has been committed with respect to persons or property the protection of which is the immediate duty of such officer.

HISTORY: A.B. 1475, approved and filed September 20, 1970.

EXPLANATORY NOTES:

Underlining indicates words added by this Amendment.

LISTING OF INTERVIEWS, PUBLICATIONS, AND REPORTS

Interviews 1/

California Highway Patrol

San Bernardino Area

Captain Vernon F. Nicholson, Commander
Lieutenant Richard L. Dolmseth

Sheriff's Offices

San Bernardino County

Chief Inspector Komer W. Dyal

Riverside County

Undersheriff Robert Presley

Stanislaus County

Sheriff Dan Kelsay

Fresno County

Captain Robert Saum

Mariposa County

Sheriff Norman W. Garrett

Nevada County

Sheriff Wayne Brown

Alpine County

Sheriff Stuart Merrill

Kern County

Sheriff Charles H. Dodge

U.S. Forest Service, Region V

San Bernardino National Forest

Eugene L. Pierce, Protection

National Park Service, Western Region

Regional Office

Merle E. Stitt, Assistant Director

National Park Service, Western Region

Regional Office

Ray W. Murphy, Protection

Joshua Tree National Monument

Arthur J. Hayes, Chief Ranger

1/ BLM specialists and a number of others interviewed aren't listed.

California Department Parks and
Recreation

State Office, Safety and
Enforcement

Robert V. Hiller, Supervisor

California Commission on Peace
Officer Standards and Training

Edward M. Toothman, Senior Consultant

Riverside County Department of
Development

Fred Reinhardt, Land Use Planner

Pacific Southwest Forest and Range
Experiment Station

Robert C. Heller, Project Leader

International Association of Chiefs
of Police

John J. Guidici, Police Management
Consultant

Publications and Reports ^{1/}

Law Enforcement on Public Lands, by California Assemblyman Eugene A. Chappie.

Law and Order in Public Parks, by Frederick L. Campbell, John C. Hendee and Roger Clark, reprinted from PARKS and RECREATION, December 1968, official publication of the National Recreation and Park Association.

Changing Concepts in Citizen Safety in Parks and Recreation, National Forum 1970, summary statements, recommendations, proposals, and suggestions of Forum task forces, official publication of the National Recreation and Park Association.

Rules and Regulations, Title 36 - Chapter I, National Park Service.

Law Enforcement Handbooks, U.S. Forest Service and National Park Service.

Trespass Manual, U. S. Forest Service.

Law enforcement forms used by National Park Service and U.S. Forest Service.

Park Ranger Job Standards, Civil Service Commission.

Park Management Series GS-025 for the National Park Service.

California, Past, Present, Future, by California Almanac Company, 1967.

California Emergent Counties, by Jane Gladfelder.

General Info - Riverside Co., e.g., Directory of Manufacturers, facts about climate, from Department of Development, Riverside County.

Basic Facts about the Riverside County Sheriff's Department, June 1968.

Ordinances, Riverside County and others.

^{1/} BLM references not listed, e.g., BLM Trespass Manual, Bureau Delegations of Authority, BLM Rules and Regulations, BLM policy statements.

Manual Info. (location, duties, etc.), Department of California Highway Patrol.

Title 4. Standards and Training of Local Law Enforcement Officers.

Police Planning for Natural Disasters, by Mel J. Personott, Commissioner of Public Safety, Alaska.

Uniform Crime Reports, Training Key #100, by Professional Standards Division of the Chiefs of Police.

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